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CIVIL GOVERNMENT OF VIRGINIA

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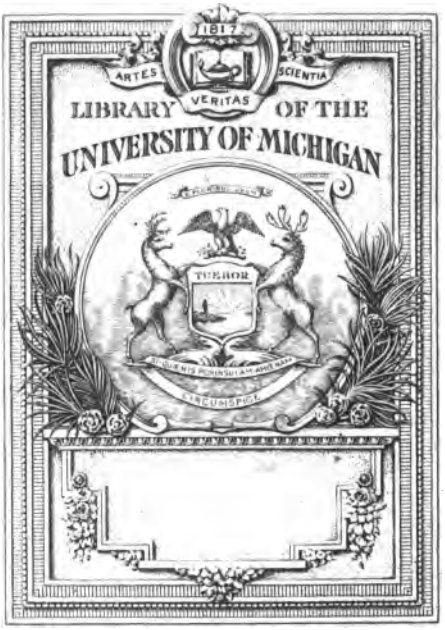
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THE CIVIL GOVERNMENT OF VIRGINIA

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FOR THE USE OF SCHOOLS

BY

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CIVIL GOV'T OF VIRGINIA

W. P. I

To My Sister

ESTELLE SMITHEY

I DEDICATE THIS BOOK

PREFACE

THIS volume has been prepared to meet a growing demand for a text-book on the Civil Government of Virginia suitable for school use. It contains an outline of the entire state system, presented with sufficient fullness, it is hoped, to give a clear idea of the structure and workings of the government in all its departments. Chapters on the Public School System, Taxation, Elections, and Political Parties have been added, and the relations between the state and the nation have been clearly brought out. Technical terms have been avoided as far as possible, and explanations have been given of those rendered necessary by the nature of the subject.

To make Civil Government interesting it must be made real. This can best be done by encouraging students to verify as far as possible the statements made in a text-book, by examining the actual workings of local government in their vicinity. As a help in this direction, a few suggestive questions have been placed at the beginning of each chapter that treats directly of the operations of the government. If the teacher, before assigning a topic for study, will ask these and similar questions, students will be led to realize that government is not something entirely dissociated from themselves, but that its operations are taking place all around

them. At the close of each chapter will be found questions which cover all important points.

My thanks are due to Overton Howard, Esq., of Richmond, for helpful suggestions in regard to court procedure, and to Colonel Morton Marye, Hill Carter, Hon. Geo. S. Shackelford, Judge E. D. Newman, and E. L. C. Scott for valuable criticisms upon parts of the manuscript.

This book is sent forth with the hope that it will cause the youth of Virginia to appreciate more fully the duties and responsibilities that will soon rest upon them as citizens, and thus aid them in becoming worthy successors of the men of the past, to whose virtue and knowledge the greatness of the state has been so largely due.

R. B. SMITHEY.

PREFACE TO THE REVISED EDITION

Since the first edition of this book was published, a new Constitution has been adopted by the people of the State, and the statute laws have been amended. This edition has been carefully revised throughout, and gives an accurate outline of the government of Virginia as now administered. I am indebted to Hon. Joseph W. Southall, Sup't of Public Instruction, and to Frank P. Brent, Esq., Sec'y of the Board of Education, for their kind assistance in reading the proof-sheets of the chapter on the Public School System.

R. B. S.

CONTENTS

PAGE

I. INTRODUCTION 9
Society; Rights; Different Kinds of Rights; Duties; Origin of Government; Forms of Government; A Republic; A Nation; A Constitution; Laws; Three Departments of Government; The United States; Two Allegiances.

II. THE COUNTY 15
Origin of the County; The Virginia County; Importance of the County; Functions of County Government; The County Seat; County and District Officers; Qualifying for Office; Vacancies; Board of Supervisors; The Treasurer; The Surveyor; The Superintendent and Overseers of the Poor; The Coroner; Commissioner of the Revenue; Justice of the Peace; The Constable; The Sheriff; The Commonwealth's Attorney; The Clerk; Other County Officers; Salaries of County Officers.

III. TOWNS AND CITIES 29
Formation of Towns and Cities; The Charter; Difference between a Town and a City; Functions of City and Town Government; The Council; How an Ordinance is made; The Mayor; Other Officers.

IV. THE STATE — LEGISLATIVE DEPARTMENT . 36
The General Assembly; Qualifications of Members of the General Assembly; Sessions; The Capitol; Privileges of Members and their Salaries; Scope of State Legislation; Restrictions upon State Legislation; Apportionment of Senators and Delegates; Organization; Officers of the Senate; Officers of the House; Duties of Clerks; Duties of the Sergeant-at-Arms; Standing Committees; The Making of a Law.

V. THE STATE — EXECUTIVE DEPARTMENT . 47
Executive Officers; The Governor; The Lieutenant Governor; Secretary of the Commonwealth; The Auditor of Public Accounts; The Second Auditor; The State Treasurer; The Attorney General; The Commissioner of Agriculture and Immigration; The Militia; State Corporation Commission; Other Executive Departments and Officers; No Free Passes.

VI. THE STATE — JUDICIAL DEPARTMENT . . 60
A Judicial Power Necessary; The Courts; A Case at Law; Jurisdiction; The Justice's Court; The Circuit Court; The Supreme Court of Appeals; City Courts.

VII. LEGAL PROCEEDINGS 69
Duty of a Court; Juries; How Grand Juries are obtained; Trial Juries for Civil and Misdemeanor Cases; Trial Juries for Felony Cases; 1. Proceedings in Civil Cases — Ordinary Civil Cases, First Proceedings in Ordinary Civil Cases, The Trial, Chancery Proceedings; 2. Proceedings in

PAGE

Criminal Cases — The Prevention of Crimes, The Detection of Crimes, Before a Justice, Indictment for Felony, The Trial, Habeas Corpus.

VIII. THE PUBLIC SCHOOL SYSTEM. 80
History of Popular Education; Organization of the Public School System; Officers of the System; The Board of Education; The Superintendent of Public Instruction; The Division Superintendent; The District School Board; The School Trustee Electoral Board; The District Board of School Trustees; Teachers; Pupils; School Funds; City Schools.

IX. ELECTIONS 91
The Right of Suffrage; Qualifications Required; Registration; The Election System; Election Officers; Board of State Canvassers; County and City Electoral Boards; Election Districts; Precinct Officers; Commissioners of Election; Election Supplies; Voting Places; At the Polls; Challenging; Counting Votes; The Returns.

X. POLITICAL PARTIES 100
Origin of Political Parties in the United States; Parties a Benefit; Advantages of Organization; How a Party is organized; Work done by Committees; The Primary Meeting; The Primary Election; Caucus; Nominating Candidates; The Unit Rule; The National Convention; Party Platforms.

XI. TAXATION 104
What are Taxes? Reasons for Taxes; What is taxed; Principle of Taxation; Property exempt from Taxation; Objects for which Taxes are assessed; The Assessment of Taxes.

XII. THE GOVERNMENT OF VIRGINIA IN OUTLINE 109
Virginia, the First Constitutional Government in America; Article I; Article II; Article III; Article IV; Article V; Article VI; Article VII; Article VIII; Article IX; Article X; Article XI; Article XII; Article XIII; Article XIV; Article XV.

XIII. RELATIONS OF THE STATE AND THE NATION 115
The State and the Nation; Each State takes Part in the National Government; The National House of Representatives; United States Senators; Presidential Electors; Method of holding National Elections; The State Militia; Reciprocal Duties of the State and the Nation; Powers of Government delegated.

APPENDIX 119
Government of State Institutions; Judicial Circuits; Constitution of Virginia; Constitution of the United States; Declaration of Independence.

INDEX 221

CIVIL GOVERNMENT OF VIRGINIA

CHAPTER I

INTRODUCTION

Preparatory Work.— Are men who live with neighbors about them free to do anything they like? What prevents one farmer from gathering the crops on all fields near him? Why are fences put up between farms? Why is it not right for a man who needs a horse to take any one he can find? Do neighbors always live together peacefully? When there are strong differences, who settles questions between them? Could neighbors live comfortably together if every one did exactly as he pleased, without regard to the rights and wishes of others? Then there is some limit to our freedom? What is that limit called? Why do we have laws? By whom are our laws made? Do you know any one who has helped to make laws for this state? What is his name? Who gave him the right to make laws for other people?

Society.— A number of families living together in a community, where all have the same general interest, constitutes what is known as society. The aggregation of families needed to form society takes place in obedience to a natural impulse; for human beings are so constituted that they need help and sympathy, which they can obtain only by association with their fellows.

Rights.—In a family no member can be allowed to carry out his own wishes regardless of others. The

same is true in a larger sense of society. No individual can be permitted to do everything he may choose; for justice demands that the needs and the desires of all should be considered. Hence, in any organized society, there is need of some agreement as to rights belonging to all.

Different Kinds of Rights.—Rights may be classified as follows:

1. Civil Rights, which are those belonging to persons as citizens of a country, such as the rights of personal liberty, of personal security, and of private property.

2. Political Rights, such as the rights of voting, of holding office, and of taking part in matters that relate to the whole people.

3. Religious Rights, which consist of the rights of worshiping God according to the dictates of conscience and in any manner that may be preferred.

Duties.—With rights originate duties, which are things men ought to do. Every right, whether it refers to an individual or to society, involves a duty; and there is no duty that does not have relation to a right. Duties are of many kinds; but, generally speaking, they may be classified as duties to ourselves, duties to others, and duties to God.

Origin of Government.— Government begins in the family, and civil government is but an extension of family government to meet the needs of society. The development of government takes place in a natural way. Rights are valued by men more highly than any other possessions; and, after they have been recognized, it be-

comes necessary for society to insure the possibility of their exercise. Otherwise, the strong would impose on the weak, and the unscrupulous take advantage of the conscientious. So, to enforce the observance of rights, society provides what is called government, which may be defined as "the directing or managing of such affairs as concern all the people alike." Thus government is the agent of society, and is not needed, except in a limited way in the family, till society exists.

Forms of Government.— From very early times government has been divided into three forms:

1. Monarchy, the form in which the supreme authority is vested in one person. Turkey is an example of an absolute monarchy, the sultan having unlimited power over both the property and the lives of his subjects.

2. Aristocracy, the form in which the governing power is intrusted to a select class supposed to be specially qualified for its exercise. During the Middle Ages, Venice was governed in this way, but at the present time no government is a pure aristocracy, although in some countries there are privileged classes that have a hereditary share in the government, as, for example, the nobility in England.

3. Democracy, the form in which the sovereign power is retained by the people.

A Republic.— A republic is a representative democracy; that is, it is a government carried on by the people, not directly, but through representatives whom they elect. If the people select their representatives wisely, they can secure their liberties and promote their general

welfare better under a republican form of government than under any other kind.

A Nation.—A body of people occupying a given territory, enjoying complete sovereignty, and guarding its rights and liberties is called a nation or a state. In our country, the word *state* has a peculiar meaning, signifying one of the commonwealths whose union forms the United States. Each of these states occupies a well-defined territory and has a government sanctioned by a constitution which was made by the people.

A Constitution.— A constitution may be defined as a contract which expresses the terms by which the people of a state agree to be governed. After a constitution has been adopted, all laws subsequently enacted must conform to this constitution, which is for this reason called the fundamental law.

Laws.— It is necessary for a government, in executing its functions, to lay down rules to regulate the social actions of men, and these rules are called laws. The laws found in a constitution, called constitutional laws, are the most permanent, while those passed by the legislature of a state, known as statute laws, are more easily changed.

Three Departments of Government.— The powers of government can be exercised in three ways,— in making laws, in construing them, and in executing them. The objects of government are best attained when these three functions of government are kept separate; that is when one set of men makes the laws, when a second set decides controversies under them, and when a third set executes or carries them into effect.

The United States.—The United States is a republic made up of a number of states, each one of which is itself a republic. A republic of republics, then, the nation is. Each of the constituent states has delegated to the United States powers which belong to a nation in its relations with foreign countries, and also such as are necessary to make laws for the whole country. But all powers which the state has not surrendered, it has retained, and so exerts over its citizens an authority which is its own. Hence, as strictly national powers are wielded by the nation and local ones by the states, the United States is dual in its government, and so is called a Federal Republic.

Two Allegiances.— As Virginia is one of the states composing the Federal Union, her citizens owe two allegiances, one to Virginia and the other to the United States. Each government is supreme in its own sphere, and there is no conflict between the two. Generally speaking, the United States has jurisdiction in all matters that affect its relations with foreign nations, also coins money, issues patents, and makes laws in regard to commerce, which apply to the whole country, while Virginia has exclusive control over the actions of her own citizens as long as they are in her territory, and also over their rights of property.

QUESTIONS

1. What constitutes society, taken collectively?
2. Why is it necessary to have rights defined and respected?
3. Give the three kinds of rights, with their respective definitions.
4. What are duties, and how are they classified?

5. What is the origin of government, and how is government developed?
6. Name the three forms of government, and define each.
7. Define a nation.
8. What is a constitution, and why is it called a fundamental law?
9. What are laws, and why are they necessary?
10. In what three ways are the powers of government exercised?
11. What is the form of the government of the United States?
12. What powers has each of the states delegated to the United States, and what powers does each retain?
13. To what two governments do the Virginians owe allegiance?
14. What is the sphere of each?

CHAPTER II

THE COUNTY

Preparatory Work.— What is the name of the county in which you live? Who is the judge of the circuit court, and what are his duties? Who is the sheriff, and what are his duties? What officer collects the taxes of your county? Who is the treasurer of your county, and what are his duties? What is the name of your magisterial district? Give the name of the justice of the peace living in your neighborhood. Who are the other officers in your district? What becomes of poor people who are unable to support themselves? What public buildings does your county own?

Origin of the County.— In the early days of English history, the land occupied by a tribe and ruled over by a petty king was called a shire, the Anglo-Saxon word *shire* meaning division. But after the Norman conquest, the name for shire was changed to *county,* which on the continent of Europe comprised a division of land originally bestowed by a king upon a count or companion. These little shires or counties were the units which, when united, made the English nation.

The Virginia County.— The old Virginia county was a copy of its English prototype. As early as 1634, the colony was divided into eight shires, called James City, Henrico, Charles City, Elizabeth City, Warwick River, Warrasqueake, Charles River, and Accomac, which took their names from settlements embraced in them. The

name *county* first appears in the Virginia laws in 1639. No system of public survey was followed in creating new counties, but they were formed by uniting a number of adjoining plantations as convenience dictated. The state now contains one hundred counties, some of which have Indian names, such as Powhatan, Nottoway, Accomac, but most of them derive their designations from distinguished men who have lived in Virginia, a number of whom were colonial governors. New counties may be formed by the General Assembly by taking territory from one or more old ones; but no new county can be formed with an area of less than six hundred square miles, nor can any of the existing counties be reduced to an area below this for the purpose of making new ones.[1]

Importance of the County.— Early in Virginia history, the county became the unit of local government, just as the township did in New England, and it remains to-day the foundation of all local order and government. Each county is now divided into three or more magisterial districts. Every county is a corporation,[2] and can exercise any legal powers that belong to it as such. It may, for example, sue and be sued, own property, and enter into contracts. The county is sub-

[1] The Constitution says, however, "But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly."

[2] A corporation is an association of persons authorized by law to carry on business under a common name, and as a single person. Authority to act in this way is given by law to the people of a county, town, or city, who can buy, own, and sell property, and can, like individuals, sue and be sued. Counties, towns, and cities are called public corporations, because they are organized for purposes of government, while such corporations as banks, manufacturing companies, railroad companies, etc., are called private corporations.

ordinate to the state, but it is allowed by the state to exercise powers of local government that are of the highest importance. We begin, therefore, the study of state government with the county, since it is the political corporation of lowest order that has governing powers.

Functions of County Government.— The county constructs roads, builds bridges, provides jails and poorhouses, looks after education, and in general takes oversight of all local matters. These are its chief functions.

The County Seat.— For the county seat a village or town is usually selected which can be reached with convenience from different parts of the county. Here the courthouse and jail are located, and the principal county officials keep their offices. It has long been the custom for people of all classes to meet at the county seat on court days, for the transaction of business both public and private. On these occasions debts are settled, business engagements entered into, property bought and sold, and, if an election is near, much stump speaking and political discussion take place.

County Officers.— The county officers elected by the people are a sheriff, an attorney for the commonwealth, a clerk, a treasurer, and one or more commissioners [1] of the revenue. Each of these officers serves for a term of four years, except the county clerk, who holds his office for eight years. In addition to the above-named officers, each county has also a surveyor, a superintend-

[1] The commissioners of the revenue are at present (1904) elected by the people, and are ineligible for reëlection to their offices for the next succeeding term; but the Legislature is authorized by the Constitution to have them appointed, if it sees fit. If they are appointed they can, at the discretion of the Legislature, serve, for more than one term.

ent of the poor, and one or more coroners, who are not elected by the people, but are appointed by properly constituted authorities. Their terms of service and the method of their appointment will be given when the duties of each are stated.

District Officers.— In each magisterial district, one supervisor, three justices of the peace, one constable, and one overseer of the poor are elected by the people, each for a term of four years.

Time of Election.— All county and district officers, chosen by the people, beginning with the year 1903,[1] are elected on the Tuesday after the first Monday in November, and enter upon their duties on the first day of January after their election. They all hold their offices for four years, except the county clerk, who keeps his office eight years.

Qualifying for Office.— Each of the county and district officers is required, when he qualifies for office, to take an oath that he will faithfully discharge his duties, and also an oath that he has not fought and will not fight a duel. All officers except the commonwealth's attorney, the justice of the peace, and the coroner have to give bonds, with security, to insure their fidelity.

Vacancies.— When vacancies occur in county or district offices, the judge of the circuit court fills them temporarily till they can be filled by the people at the next

[1] Only a few of the counties elected clerks in 1903. In a large majority of the counties, the terms of the clerks in office when the Constitution of 1902 was adopted were extended till the first of January 1906. The successors of these clerks will be elected in 1905 to hold office for six years. Then in November 1911, and every eight years thereafter, all the counties in the State will elect clerks for a term of eight years. See Acts of the *General* Assembly for 1902–1903, p. 505.

general election. As a rule, with hardly an exception, officials must reside within the limits of their jurisdiction.

Board of Supervisors.—Each county is a corporation, that is, it has the power to act as an individual, but like all corporations, it must act through agents. The principal agent of the county is the board of supervisors, which is composed of all the district supervisors. This board meets at the courthouse on the first Monday in January and on the fourth Monday in July of each year, and at other times as often as may be necessary. One of the supervisors is elected chairman, and the clerk of the county is *ex officio*[1] clerk of the board. As the agent of the county, this body has many important duties to discharge, some of which are legislative and some executive in character. Its chief functions are to examine all the claims that are brought against the county, to allow such as are correct, and to issue warrants[2] on the treasurer for their payment, to audit the accounts of all officers who receive and pay out money belonging to the county, to examine the books of the commissioners of the revenue, to determine the amount of money to be raised by taxation for the government of the county, and to order the annual tax levies to raise it. The board prescribes rules and plans for repairing roads and bridges, and inspects all dams and rivers. It is empowered, within limits prescribed by law, to levy school taxes, to borrow money for the county to aid in carrying on works of internal improvement, and to levy taxes on

[1] By virtue of his office.

[2] A warrant, in this sense, is a written order on the treasurer for money.

the people to meet the debt thus incurred. The board provides the courthouse, clerk's office, jail, and farm for the reception of the poor, and it has charge of all county property, except the courthouse, which is under the supervision of the judge of the court. It represents the county in suits at law, and in general has the management of the business interests of the county in all cases where no other provision is made. It furnishes ballot boxes for the voting places, has authority to have a true meridian run at some central and accessible place in the county, and can establish a hospital, if one is needed. This board may also abolish the fence law of the state in its own county or in any part of it.

The Treasurer.— The treasurer receives all money that is paid into the county treasury, and disburses it in the manner prescribed by law. All county, state, and school funds come into his hands. The county money he pays out upon warrants issued by the board of supervisors, and settles once a year with the board, his accounts with the county.

The money belonging to the state he transmits to the state treasury, and settles with the auditor in regard to what he has received on account of the state. The school money he pays out upon warrants issued by the proper school authorities. He is not allowed to speculate in county warrants, nor to use or lend county money. The treasurer cannot be elected or serve more than two consecutive terms, covering a period of eight years, and he cannot act as deputy for his immediate successor.

The Surveyor.— Each county has a surveyor, who is appointed for a term of four years by the circuit court

judge, upon the recommendation of the board of supervisors. He makes all surveys ordered by the courts, and also surveys land privately for persons who pay him fees established by law. In making surveys, he is required to measure all lines horizontally, and to give the magnetic variation.

The Superintendent and Overseers of the Poor.— The superintendent of the poor is appointed by the circuit court judge, upon the recommendation of the board of supervisors, and holds his office for a term of four years. He has charge of the county poorhouse, or place of general reception of the poor, where he receives such paupers as are sent to him by the overseers of the poor from the several magisterial districts of the county, and cares for them in the manner provided by law. His salary is fixed by the board of supervisors within limits prescribed by law; and he is required to make an annual report to the board, giving a full account of his transactions.

The overseer of the poor in each magisterial district looks after persons unable to support themselves, giving assistance to some at their homes, and having others sent to the poorhouse.

The Coroner.— There are in every county one or more coroners who are appointed by the judge of the circuit court, and who may hold office for two years. The coroner's chief duty is to investigate the cause of the death of any person who is supposed to have died by violence and not by casualty. When a death takes place under circumstances that demand an investigation, the coroner is notified, and he institutes an examination. He sum-

mons a jury of six men, as well as witnesses and physicians, if needed. If the jury, after all the circumstances have been investigated, accuses any one, the coroner is required to arrest that person and commit him to prison.

If the sheriff is disqualified, or if the office becomes vacant, the coroner acts in his place.

Commissioner of the Revenue.— It is the duty of the commissioner of the revenue to make annually a list of the names of all persons in his district liable to taxation, together with the estimated value of the property of each person. Each taxpayer is required by law to furnish to the commissioner of the revenue a list of all his taxable personal property, moneys, etc., so that his taxes can be correctly estimated. The commissioner issues also to any person who pays the fees prescribed by law, a license to engage in any business, employment, or profession upon which a tax is placed. He likewise collects, while discharging his duties in connection with taxation, statistics of births and deaths that have taken place, and information in regard to ex-Confederate soldiers and sailors. These statistics are filed in the office of the clerk of the county.

Justice of the Peace.— It is the duty of the justice of the peace to preserve the public peace, and therefore to bind over such persons as threaten to break it; to suppress riots, to issue warrants[1] for the arrest of persons who violate the laws or are accused of committing crimes, to issue search warrants for stolen property, counterfeit coins, etc. He issues warrants for the removal of pau-

[1] A warrant, as the term is used here, is a written order issued by a justice, authorizing an officer to make an arrest, a seizure, or a search, or do *other acts incident* to the administration of justice.

pers to the poorhouse, and acts in the place of the coroner, when no coroner is available. He has authority also to administer oaths, and to take and certify acknowledgments of deeds and other legal documents. In addition to his other duties, he presides over the humblest court in the land, the jurisdiction of which will be explained in the chapter on courts.

The Constable.— The constable is a conservator of the peace, and he is the ministerial officer of the justice's court. He serves the summons, warrants, writs,[1] executions,[2] and other legal processes issued by the justice; arrests persons on criminal charges and upon demands of security of peace, and commits them to safe custody till he can bring them before a justice. He also summons juries to attend coroners' inquests.

The Sheriff.— The sheriff's office is of great antiquity. Shire-reeve, steward of the shire, he was called in England, when the country was divided into shires; and, in the course of time, shire-reeve was changed into sheriff. He is the county's chief executive officer, and as such he has many important duties to perform. He has to attend the courts that meet in his county, and to execute and return their orders promptly. He executes, likewise, all sentences and judgments of the court. He sells personal property under execution, and carries into effect decrees[3] of court for the sale of property when special commissioners are not appointed. He adminis-

[1] A writ is a written order issued by a court, directing something to be done in regard to a case or suit.

[2] An execution is the act of carrying into effect the final judgment of a court.

[3] A decree is a judgment or sentence of a court of equity.

ters on the estates of deceased persons, when no one else qualifies as administrator, and he cannot decline this trust when the court commits an estate to him. He is authorized by the state to seize the personal property of a taxpayer who refuses to pay his taxes, and sell it at auction. Out of the proceeds, he pays the delinquent taxes, and, if anything is left he returns it to the former owner. The county jail and the prisoners confined in it are in his charge. If prisoners are threatened by violence from mobs, he must protect them. He has to arrest criminals, prevent crime, and preserve the peace of the county. He is assisted in his work by as many deputies as may be necessary, who are appointed by the circuit court upon his recommendation. But if in quelling riots, arresting offenders, etc., he needs more help than his deputies can give him, he may call to his aid as many men as he deems necessary. He may call upon the commander of any regiment in the county for soldiers to help him, or upon the governor for troops.

Commonwealth's Attorney.—This officer is elected by the people, to be the legal counsel of the county in cases at law, to which it is a party and which are tried before the circuit court. He commences and prosecutes all cases in which the county is interested. He represents the county before the board of supervisors, looks after all debts due it, draws business contracts [1] for it, investigates claims that are brought against it, and in general acts for it in all legal matters. He prosecutes all criminal

[1] A contract is an agreement between two or more persons concerning something to be done, whereby both parties are bound to each other, or *one is* bound to the other.

charges in his county and is the legal adviser of the county officers. If there is a tie-vote in the board of supervisors upon any question, all the members being present, then the commonwealth's attorney is authorized to cast the deciding vote.

The Clerk.— The clerk of the county is also clerk of the circuit court. It is the duty of this officer to record, in books provided for the purpose, all legal papers required by law to be preserved, such as deeds,[1] mortgages,[2] wills,[3] appraisements of estates of deceased persons, inventories of property that comes into the hands of fiduciaries,[4] and accounts of sales of property by fiduciaries, and reports of commissioner of accounts, showing what disposition fiduciaries have made of funds committed to their management by the courts. He records the proceedings of the circuit court, including its rulings,[5] orders, and judgments;[6] issues marriage licenses, and registers marriages, births, and deaths. He makes up the dockets of the circuit court, and records all its decrees and orders. The clerk is also a probate judge, that is, he is charged with powers and duties in regard to the estates of deceased persons. He is required by law to take the steps

[1] A deed of land is a writing by which the ownership of land is transferred to a purchaser.

[2] A mortgage of land is a conveyance of lands by a debtor to a creditor as security for the payment of a debt, the mortgage becoming void when the debt is paid. Mortgages are also taken on personal property to secure the payment of debt. These are called chattel mortgages.

[3] A will is a writing in which a person states what disposition he wishes made of his property after his death.

[4] A fiduciary is a person who holds a thing in trust for another person.

[5] A ruling is a decision or rule of a judge or a court, especially an oral decision, as in excluding evidence.

[6] A judgment is a decision or sentence of the law, given by a court of justice or other competent tribunal, as the result of proceedings instituted for the redress of injury.

necessary to cause such estates to go to the persons entitled to them. So he takes proof of wills, and empowers *executors*[1] to act. When a person dies without a will, he appoints an *administrator*,[1] whose duty it is to distribute the personal property among those to whom it belongs by law. The clerk likewise appoints guardians for minors whose parents have died.

Other County Officers.— In addition to the county officers that have been named, there is a physician to the poor, who is appointed by the board of supervisors, and a sealer of weights and measures, appointed by the circuit court. The latter keeps the standard weights, balances, and measures furnished by the state to the county, by which those belonging to individuals are to be tested. Once also in every five years, the circuit judge appoints as many land assessors[2] for each county as there are commissioners of the revenue. These officers assess at a fair cash value all the lands and lots in the county with the improvements on them, and from the valuation thus obtained, the annual taxes on real estate are assessed. The Governor also appoints for every county, city, and town, as many notaries public as he deems necessary, the number not to exceed one for every five hundred inhabitants. Both men and women eighteen years of age, or older, are eligible to this office. The chief duty of a notary public is, under official seal, to attest deeds and other papers for legal and business purposes.

[1] An executor is a person appointed in a will to carry out its provisions. He generally executes the will both as regards personal property and real property. An administrator distributes only the personal property, and has no jurisdiction over the land of a deceased person.

[2] The first land assessors under the Constitution of 1902 will be appointed in 1905.

Salaries of County Officers.— The sheriff, clerk, and commonwealth's attorney are generally paid partly in fees and partly by the board of supervisors. The justice of the peace is paid in fees, and so is the coroner, the notary public, the constable, the surveyor, and the sealer of weights and measures. The superintendent of the poor receives a salary which is fixed by the board of supervisors, and varies, according to the population of the county, from two hundred and forty dollars to four hundred dollars. Each overseer of the poor and each land assessor receives two dollars per day for the time he is actually engaged in the work of his office. The physician to the poor receives a salary which is determined by the board of supervisors. The treasurer is paid by a commission on the money he receives and disburses, and the commissioner of the revenue is paid partly by fees and partly by a commission on taxes assessed by him. The pay of a supervisor is three dollars per day, for the time he spends at meetings of the board, and four cents for each mile he travels in attending meetings.

QUESTIONS

1. State the origin of the name *county*.
2. How were the first Virginia counties formed and named?
3. By whose authority, and under what rules, can new counties be formed?
4. What are the divisions of the county?
5. What powers of government does the county exercise?
6. What are the functions of the county government?
7. Describe the county seat, and tell what is done on court days.
8. Name the county officers. Give their respective terms of office.
9. Those of a district.

10. What are the qualifications for office?
11. When vacancies occur in the offices, how are they filled?
12. What board constitutes the principal agent of a county? When and how often does it meet?
13. What are some of the duties of this board?
14. What are the duties of the county treasurer?
15. State the term of office, and the duties of the county surveyor.
16. How is the superintendent of the poor appointed, and what are his duties?
17. What is the difference between the superintendent and the overseer of the poor?
18. By whom are coroners appointed? What is their term of office?
19. Give an outline of what a commissioner of the revenue is expected by law to do.
20. The justice of the peace.
21. The constable.
22. The sheriff.
23. The commonwealth's attorney.
24. What are the duties of the clerk of the circuit court?
25. Mention some of the other county officers with their respective duties.
26. How are the salaries of most of the county officers determined?
27. How are the salaries of the superintendent, overseer, and physician of the poor determined?
28. Of the treasurer?
29. What is the pay of a supervisor while on duty?

CHAPTER III

TOWNS AND CITIES

Preparatory Work.— Name the village, town, or city nearest to your home. Who is the mayor? Name a councilman. What other officers do you know in your town or city? How do their duties compare with those of similar officers in a county? What buildings are owned by your town or city? Must inhabitants of towns and cities obey the state laws? What special laws must they obey?

Formation of Towns and Cities.— When any portion of the country becomes so densely populated that more minute regulations or laws are necessary for it than for the more sparsely settled sections, the citizens of the thickly settled part petition the General Assembly to incorporate them into a town, or into a city if they are sufficiently numerous, so that they can have a local government of their own. If the petition is granted, the Legislature passes a law, which gives the people the powers they desire. Thus towns and cities are formed.

The Charter.—The law by which a town or city is incorporated is generally called a charter. This instrument makes the town or city a corporation, fixes its boundaries, defines its powers and privileges, gives it a name, and states what officers it shall have to carry on its government. The charter also enumerates the duties of the officers, and provides for their election or appointment. It is the fundamental law of the town or city, just as the

constitution is of the state. Every charter, unless the contrary is expressly provided for by special act of the Legislature, must conform to the general laws of the state for the organization of towns and cities. Towns and cities accordingly present a general uniformity in their government, the state granting to all similar privileges and imposing on all similar duties. The form of government laid down in a charter usually provides for a legislative council, a mayor, a treasurer, a clerk who records the proceedings of the council, a police force, a sergeant, one or more justices of the peace, and contains provisions for the election or appointment of such other officers as may be needed. In addition to the above named officers, cities possessing a court where deeds are recorded have a clerk of the court, and there is likewise a commonwealth's attorney for cities that have a corporation or circuit court.

Difference between a City and a Town.— A city is defined in Virginia law as an incorporated community having a population of five thousand or more, and a town as an incorporated community having less than five thousand inhabitants.[1] The term *village* as used in Virginia means an assemblage of houses that has not been incorporated, but whose inhabitants are under the government of the county in which they reside.

Functions of City and Town Government.— The government of a city or town has many important duties to perform, such as to provide lights, to construct streets,

[1] Cities and towns are thus defined in the Constitution of 1902. It should be stated, however, that an incorporated community, containing less than five thousand inhabitants, which had a city charter at the time *the constitution* was adopted is also called a city.

bridges, and sewers, to erect public buildings, schoolhouses, and waterworks, to build prisons and workhouses, to establish parks and cemeteries, to prescribe rules for the holding of markets, and regulations in regard to the erection of buildings, to support a fire department, to provide for the weighing or measuring of hay, coal, and other articles offered for sale, to abate nuisances, to lay down regulations for the promotion of health, and to provide a police force sufficient to protect the lives and the property of the citizens.

The Council.— The city is, for convenience in its government, divided into wards, and the voters of the different wards elect representatives to the council. This body, in cities having ten thousand or more inhabitants, is composed of two legislative chambers, called branches — one being the board of aldermen and the other the board of common councilmen. These chambers have a different number of members,[1] and correspond to the houses of the legislature. Each chamber elects its own president. Every ward has, as far as possible, equal representation in proportion to population in each branch of the council. In cities having less than ten thousand inhabitants, and also in towns, the council is not divided into branches, but constitutes a single legislative chamber.[2]

The council is the legislative body of the city or the town; and it has power to pass laws which are called ordinances, to carry out the various functions of the

[1] In cities having ten thousand or more inhabitants, the board of aldermen consists of not less than eight nor more than twenty-two members, and the common council of not less than fourteen, nor more than forty members.

[2] In cities of under ten thousand population, the common council is composed of not less than eight nor more than forty members. In towns, the council has seven members, one of these being the mayor.

government which have been mentioned, and all others conferred by statute law or specially granted by charter. It has authority to levy taxes to pay the expenses of the government and of the schools, and to prescribe fines or other punishments for the violation of ordinances.

How an Ordinance is Made.— In a city council, an ordinance can originate in either chamber, but before it can become operative, it must first be approved by both chambers, and then sent to the mayor for his signature. If it is signed by him, it becomes a city law. But if he vetoes it, he returns it to the chamber of the council in which it originated with his objections. In this case, it does not become a law unless each chamber on reconsidering it, gives it a recorded vote of two thirds of the members elected, when it becomes a law in spite of the mayor's veto.

If the council consists of a single chamber, an ordinance, to become a law, must first be adopted by the council, and then signed by the mayor. If vetoed by him it fails to become a law unless the council on reconsidering it gives it a two-thirds vote of all the members elected.

If the mayor does not return a proposed ordinance within five days after he has received it, Sundays excepted, it becomes operative without his signature, except when his term of office or that of the council expires within the five days.

The Mayor.— The mayor is elected by the qualified voters of the city or town, and is the chief executive officer of the corporation. As such, he is responsible for the efficiency of the government. It is incumbent upon *him to* see that the ordinances are obeyed, and the laws

of the state carried out as far as they apply to the city or town. In preserving order, he has at his command the police force, and if necessary he may call on the governor for aid. In towns and in some cities he holds a court, called the mayor's court, which tries offenses involving violations of ordinances and such cases as come before the court of a justice of the peace. In other cities a police justice holds a court that takes the place of the mayor's court.

The mayor is charged with seeing that the duties of the various officers are faithfully performed. He has the power to investigate their acts, has access to all the books and documents in their offices, and may examine them and their subordinates on oath. He is authorized to suspend or remove officers for neglect of duty or for misconduct in office.

Other Officers.— The other officers usually connected with the city government are a treasurer, a clerk of the court, a commonwealth's attorney, a commissioner of the revenue, and a sergeant. These are all elected by the people. The city sergeant is the ministerial officer of the courts that meet in the city, and in general his duties are the same as those of a sheriff. The town sergeant has the same duties and powers as a constable. The other officers discharge for the city the duties that the corresponding officials do for the county. In addition to the above officers, cities have an engineer, a collector, a chief of the fire department, a chief of the police, etc., who are appointed generally by the council. An examination of the charters of different cities and towns will be neces-

sary in order to ascertain all the points in which they differ in government.

When Municipal Officers are Elected.[1]— Mayors and councilmen are elected on the second Tuesday in June, and enter upon their duties on the first day of the following September. The other elective officers are chosen on the Tuesday after the first Monday in November; and all their terms of office begin on the first day of the next January, except the terms of office of the clerks of city courts which commence at the same time with the terms of the judges. Municipal officers continue in office for four years, except the clerks of the courts, whose terms are eight years. The treasurer, after he has served for two successive terms, is ineligible for reëlection, and he cannot be the deputy of his immediate successor.

QUESTIONS

1. How are towns and cities formed?
2. What is a charter, and what powers does it confer upon a town or city?
3. Give a list of the officers granted under a charter.
4. What is the difference between a town and a city?
5. What does the term *village* mean?
6. Mention some of the duties performed by the government of a town or city.
7. What is a town or city council, and what authority has it?
8. How is an ordinance made?

[1] In carrying out this arrangement, under the Constitution of 1902, the first election of mayors and members of city councils will take place on the second Tuesday in June, 1904; and the first election of the other officers will occur on the Tuesday after the first Monday in November, 1905. The legislature has authority to change the time at which municipal officers are elected, provided mayors and councilmen are elected at a different date from the other officers, and that their terms of office do *not* begin coincidently with those of the other officers.

9. How is a mayor elected, and what are the duties of his office?
10. Mention other officers connected with a town or city government.
11. How are they elected or appointed, and what are their duties?
12. When are municipal officers elected?

CHAPTER IV

THE STATE — LEGISLATIVE DEPARTMENT

Preparatory Work.— What is a legislature, and why is it necessary to have one? How often does the Virginia legislature meet? Who represents your county, city, or town in the House of Delegates? Who is the senator from your district? Are representatives and senators elected or appointed? What should be the character of the men sent to the legislature? What duties do they perform in the legislature? Do you know any special law which the people in your community wish to have passed?

The General Assembly.— The lawmaking power of the state is vested by the constitution in a General Assembly, or Legislature, which consists of a Senate and a House of Delegates. A senator serves for four years, and a member of the House of Delegates for two years, but both are eligible for reëlection. Members of the House of Delegates are elected by the people every two years, and Senators every four years, on the Tuesday succeeding the first Monday in November, and begin their duties on the second Wednesday in January after their election. These elections take place in the odd-numbered years,[1] and when vacancies occur they are filled by special elections.

[1] Formerly half the senators were elected every two years; but under the Constitution adopted in 1902, beginning with 1907 all the senators *will be* elected quadrennially.

Qualifications of Members of the General Assembly. — Any person, twenty-one years old, who has the right to vote,[1] and is, at the time of the election, an actual resident of the district he wishes to represent, can be elected to the General Assembly.[2] During his term of service he is required to reside in the district he represents, and if he does not do this, his office becomes vacant. Each house is the exclusive judge of the election and qualifications of its members, punishes them for disorderly conduct, and can, by a two-thirds vote, expel a member.

Sessions.— The constitution requires the General Assembly to meet regularly every alternate year on the second Wednesday in January. The meetings take place in the even-numbered years. The law fixes the limit of a session at sixty days; but a session can be extended for an additional period, not exceeding thirty days, by a special three-fifths vote of the members elected to each house. Neither house can, during a session of the General Assembly, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two houses are holding their meetings.

A majority of the members elected to each house constitutes a quorum to do business, but a smaller number can adjourn from day to day, and has power to compel

[1] For the qualifications required for an exercise of the right to vote, see Chapter IX.

[2] No person holding a salaried office under the state government, no judge of any court, attorney for the commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court can become a member of the General Assembly unless he gives up his office. Likewise no person in the employment of the United States Government, or holding a position of profit under it, is eligible to the General Assembly.

the attendance of absent members in such manner, and under such penalty, as each house may prescribe.

The governor is required to call an extra session of the General Assembly on application of two thirds of the members of both houses, or when, in his opinion, the interest of the state requires him to do so.

The Capitol.— The capitol, or statehouse, is in the city of Richmond, and here the constitution requires the General Assembly to meet, though in cases of emergency it may meet elsewhere. The statehouse is a handsome building, conspicuously located in a park of twelve acres.

Richmond, the capital city, was founded by Colonel William Byrd in 1733, and was made a town by law in the reign of George II. In 1779, before the Constitution of the United States was formed, it became the seat of Virginia's government, and it has continued so ever since that time. More events of historic importance have occurred in this city, and in the country around it, than in any locality in the Union.

Privileges of Members and their Salaries.— Members of the General Assembly are in all cases, except in cases of treason, felony, or breach of the peace, privileged from arrest during the sessions of their respective houses; and, for any speech or debate in either house, they shall not be questioned in any other place. They are not subject to arrest under any civil process during the session of the General Assembly, nor for fifteen days before the opening and after the closing of the session. Each member receives a salary of two hundred and forty dollars for attendance and services at each regular session of the

General Assembly, and one hundred and twenty dollars for duties rendered during an extra session. The president of the Senate and the speaker of the House of Delegates receive each four hundred dollars for a regular session, and two hundred and forty dollars for a special session.

Scope of State Legislation.— The acts passed by the General Assembly constitute the statute law, which has a wide field of application. It regulates the buying, the selling, and the inheritance of property, the administration of estates, the making of contracts, partnerships, promissory notes and checks, the granting of charters to corporations, such as railroad, telephone, electric light, manufacturing, mining, and insurance companies. The state through its laws provides for raising, by taxation, money to carry on the government; makes laws in regard to marriage; prescribes the legal relation of husband and wife, parent and child, master and servant; provides for the establishment of charitable institutions; supports education; creates county, city, and town governments; determines methods of procedure for the various courts; regulates the suffrage; is charged with the prevention of crime and the punishment of criminals; regulates and controls the issue of stock and bonds by corporations, and makes laws to prevent the formation of trusts, combinations and monopolies inimical to the public good. Thus the state comes very near to the people, and has authority to make such laws as will best promote their welfare in all the ordinary affairs of life. Indeed, the term *House of Delegates* is intended to convey the idea that the members are sent by the people to enact the will of the peo-

ple into law; and each member is elected upon the tacit, if not the express, promise that he will vote to enact that will into law; for otherwise some one else would be sent. Thus the will of the people becomes the law.

Restrictions upon State Legislation.— The constitution of Virginia puts some limitations upon the power of the General Assembly. For example, it is not allowed to grant divorces, to authorize lotteries, to abridge the freedom of speech, the freedom of the press, the religious liberty of the people, nor to suspend the writ of habeas corpus,[1] except in cases of invasion or rebellion, when the public safety may require it. It cannot pass any bill of attainder,[2] any *ex post facto* law,[3] any law to impair the obligation of contracts, any law to take private property for public uses without just compensation, any law to restrict religious liberty, any special, private, or local laws where general laws can be enacted that will accomplish the purpose, nor can it appropriate public funds to church institutions. The General Assembly cannot exercise the powers which have been expressly delegated to the national government, nor those which the constitution of the United States forbids a state to use. Outside of these restrictions, it can pass laws upon any subject in which the people may be interested. No law can embrace more than one object, and this must be

[1] The words *habeas corpus* mean literally, "you may have the body." The writ of *habeas corpus* is an order issued by the judge of a court, directing the sheriff or other officer to bring the body of a prisoner into court, so that the cause of his detention may be investigated.

[2] "A bill of attainder is a legislative act, which inflicts punishment without a judicial trial."

[3] This is a law which renders an act punishable in a manner in which it was not punishable when it was committed. The prohibition in the constitution, against *ex post facto* laws, applies exclusively to criminal cases.

expressed in its title. The General Assembly does not exercise any judicial power, except that if state officers commit offenses against the commonwealth, they are impeached by the House of Delegates and are prosecuted before the Senate, which has sole power to try such cases. The General Assembly cannot elect its own members to any civil office.

Apportionment of Senators and Delegates.— Delegates are apportioned among the cities and counties in proportion to the number of inhabitants. For representation in the Senate, the state is divided into districts, each one of which elects one senator, except the Richmond city district, which elects two. The constitution requires the House of Delegates to have not less than ninety nor more than one hundred members, and the Senate to have not less than thirty-three nor more than forty members. Both House and Senate have now the full number allowed by the constitution.

Organization.— At the opening of a session of the General Assembly, the two houses meet in their respective chambers in the capitol. Then each house, after the oath of office has been administered to its members, proceeds to elect proper officers, to determine the rights of members to their seats, and to appoint standing committees. This is termed organization, and, after this has been effected, the General Assembly is ready for business. Each house makes its own rules of procedure. These, however, are seldom changed.

Officers of the Senate.— The constitution appoints the lieutenant-governor president of the Senate; he accordingly presides over the meetings, though he is not

a member of the body, and is not entitled to a vote unless there is a tie, when he casts the deciding vote. The subordinate officers elected by the Senate are, a president *pro tem.*, who presides in the absence of the lieutenant-governor, a clerk, a sergeant-at-arms, a doorkeeper, and four pages.

Officers of the House.— When the House of Delegates is organized, one of its members is elected to preside. He is called the speaker of the House, and, like any other member, is entitled to a vote on all questions. The subordinate officers elected by the House are a clerk, who is also keeper of the rolls, a sergeant-at-arms, and a doorkeeper to assist him. The House has six pages, who are appointed by the speaker. None of the subordinate officers of the Senate or of the House are members of the General Assembly.

Duties of Clerks.— The clerks of the Senate and the House keep journals of the proceedings, take care of all records and important papers and, in general, do all the clerical work of their respective houses. The clerk of the Senate is authorized to appoint assistant clerks, and five committee clerks; and the clerk of the House to employ assistant clerks, and to appoint, subject to the approval of the speaker, six committee clerks. The clerk of the House is keeper of the rolls of the General Assembly.

Duties of the Sergeant-at-Arms.— It is the duty of the sergeant-at-arms to preserve order in the halls where the meetings are held, and to arrest members or other persons who interrupt business by disorderly conduct. They distribute among the members all papers printed

for their use; have charge of all mail and telegraph matter belonging to them; and in general render them such services as will contribute to their comfort or facilitate the transaction of business.

Standing Committees.—The Senate has to consider so many subjects that if the whole body investigated the merits of each, there would not be time for it to complete its labors; and the same is true of the House. So, in order to expedite business, the members of both houses are divided into committees;[1] and each committee is put in charge of some particular subject or subjects. When a measure is introduced into either house, it is usually referred to the committee whose duty it is to consider questions of that particular kind. This committee ex-

[1] The Senate elects its committees and they have charge of the following subjects: 1. Privileges and Elections; 2. Courts of Justice; 3. General Laws; 4. Roads and Internal Navigation; 5. Finance and Banks; 6. Public Institutions and Education; 7. County, City, and Town Organizations; 8. Agriculture, Mining, and Manufacturing; 9. Fish and Game; 10. Enrolled Bills; 11. To Examine Office of Clerk of Senate; 12. Rules; 13. Executive Expenditures; 14. Library; 15. To Examine Office of Auditor of Public Accounts; 16. To Examine Second Auditor's Office; 17. To Examine Office of Register of Land Office; 18. To Examine Treasurer's Office; 19. To Examine Bonds of Public Officers; 20 Printing; 21. Joint Committee on Special, Private and Local Legislation.

The House committees are appointed by the Speaker, who in doing this wields great power, as he appoints those whose approval generally insures the passage of a bill, and whose disapproval usually defeats it. As the House is so much larger than the Senate, it must to a greater extent than the Senate follow the recommendations of its committees. The House committees are as follows: 1. Privileges and Election; 2. Courts of Justice; 3. Schools and Colleges; 4. General Laws; 5. Roads and Internal Navigation; 6. Finance; 7. Claims; 8. Militia and Police; 9. Asylums and Prisons; 10. Labor and the Poor; 11. Public Property; 12. Banks, Currency, and Commerce; 13. Agriculture and Mining; 14. Manufacturing and Mechanics' Arts; 15. Counties, Cities, and Towns; 16. Officers and Offices at the Capitol; 17. Executive Expenditures; 18. Retrenchment and Economy; 19. Federal Relations and Resolutions; 20. Enrolled Bills; 21. Immigration; 22. Chesapeake and its Tributaries; 23. House Expenses; 24 Rules; 25. Library; 26. Printing; 27. Joint Committee on Special, Private and Local Legislation.

amines the proposed measure in all its bearings, and makes a report in regard to it. This greatly expedites business, as each house, in legislating upon any subject, is influenced largely by the advice of the committee. There are so many of these committees that each member is apt to be on several.

The Making of a Law.— A bill, which is a proposed law, can originate in either of the two houses, but before becoming a law, it usually passes through the following steps: It must first be introduced in one of the Houses, and then referred to the appropriate committee. It must be considered by the committee in session, and reported, printed by the House in which it originated, before it is passed, and read at length three times on three separate days. The first reading is for information, but on the second reading the bill is open to amendments. After the third reading, a recorded vote is taken, and if the bill receives a majority vote of those present, this majority including at least two-fifths of the members elected, the bill passes, and is sent to the other House where it is referred to a committee of this House, and passes through forms of action similar to those described. If the bill passes both Houses, it is enrolled, and then signed by the presiding officers and sent to the governor. If approved by him, it becomes a law. But, if vetoed by him, it does not become a law, unless each House, on reconsidering the bill, gives it a two-thirds vote, this vote including a majority of the members elected, when it becomes a law in spite of the governor's veto. If the governor does not return the bill within five days after it has been received, Sundays excepted, it

becomes a law without his signature. But, if the General Assembly by adjourning prevents the return of bills within the five days specified, such bills become laws if approved by the governor within ten days after the session has ended, but not otherwise. It should be stated that appropriation bills must receive a majority vote of all the members elected to each House. No law, except a general appropriation law, or one made to meet an emergency, takes effect till ninety days after the adjournment of the General Assembly.

QUESTIONS

1. Into what two bodies is the General Assembly divided?
2. How are senators and delegates elected, and what is their term of office?
3. Give the qualifications of a member of the General Assembly.
4. When is the General Assembly required to meet, and how long does it remain in session?
5. What is the rule with regard to adjournment?
6. When is the governor required to call an extra session?
7. Where is the state capitol, and what is said of it?
8. By whom was Richmond founded, and what of its history?
9. Mention some of the privileges of a member of the General Assembly.
10. What salary does each member receive for a regular session? For an extra session?
11. What constitutes the statute law?
12. Mention some of the affairs it regulates.
13. What other provisions and laws does the state make for the welfare of its people?
14. What idea is conveyed by the term *House of Delegates?*
15. What restrictions are put upon the General Assembly by the state constitution?
16. What by the United States Constitution?

17. In what case can the Assembly exercise judicial power?
18. How is the number of senators and delegates decided?
19. How many members is each house required to have?
20. Outline the proceedings for organizing each house.
21. How is the lieutenant governor elected, and what connection has he with the Senate?
22. What other officers are elected by the Senate?
23. Who is the first officer elected by the House of Delegates, and what authority has he?
24. What other officers does the House elect? Do they become members?
25. What are the duties of the clerks of the two houses?
26. Give the duties of the sergeants-at-arms.
27. Why is it necessary to have standing committees, and how do they shorten and simplify the work of the General Assembly?
28. Mention some of the Senate committees.
29. Some of the House committees.
30. State the process by which a bill becomes a law.
31. What connection has the governor with it?
32. When does a law go into operation?

CHAPTER V

THE STATE — EXECUTIVE DEPARTMENT

Preparatory Work.— Who is the present governor of the state? Why is a governor needed, and how does he differ from a king? Who is the lieutenant governor? Who is the attorney general? What use does the state have for militia?

Executive Officers.— The executive power of Virginia is, by the constitution, vested mainly in a governor, lieutenant governor, secretary of the commonwealth, treasurer, and auditor. The governor and lieutenant governor, secretary of the commonwealth, and treasurer are elected [1] by the people, when they choose members of the General Assembly. They begin their duties on the first day of February after their election, and serve for a term of four years. The auditor is elected by the joint vote of the two Houses of the General Assembly, and serves for a term of four years. In addition to the above officers, the General Assembly has established various boards, and created a number of other officers to facilitate the carrying on of the executive department of the state.

The Governor.— The governor has many powers to

[1] The first election of these officers, under the Constitution adopted in 1902, will be held on the Tuesday after the first Monday in November, 1905, while beginning with 1907, all senators will be elected quadrennially. Thus the governor and other executive officers will not be elected the same year with the senators. This tends to prevent any extreme of conservatism or of radicalism.

exercise and duties to discharge; but the most important can be classified under the following heads:

1. He gives to the General Assembly by message at every session information in regard to the condition of the commonwealth, and recommends for its consideration such measures as he deems expedient for the public good. The information furnished to him by the heads of the various departments of the state in regard to agriculture, fisheries, railroads, asylums, educational institutions, the poor, the penitentiary, the military, etc., enables him to look after the interests of the state with a thousand eyes, and from these sources his message ought to be made up. It is his duty to call the General Assembly together in extra session, when any important matter arises, which in his opinion demands immediate attention, or when two thirds of the members of both houses make application to him to call a meeting.

2. He is commander in chief of the land and naval forces of the state, and can call out the militia to repel invasion, to suppress insurrection, and to enforce the execution of the laws.

3. He has the power to grant reprieves and pardons, except in cases of impeachment, and to commute sentences of capital punishment. In thus exercising the clemency of the state, he must act under a sense of his responsibility to public opinion and to the laws; and he is required to render to the General Assembly a statement of his action in regard to each case. He cannot, however, pardon before conviction.

4. He is charged with seeing that the laws are faithfully executed. No bill can become a law without his

signature, unless it is passed over his veto, or is made a law because he does not return it, within the time allowed, to the house in which it originated. If he approves the general purpose of a bill, but disapproves part of it, he may return the bill to the House in which it originated with recommendations for its amendment. He can also veto some items in an appropriation bill, and approve others.

5. He can, during the recess of the General Assembly, suspend from office for misbehavior, incapacity, or neglect of duty, all executive officers at the seat of government except the lieutenant-governor, and appoint temporary successors. He is required, however, to make a report of such cases to the General Assembly at the beginning of the next session, and this body decides whether the officers thus suspended shall be restored or finally removed.

6. He may require information in writing from the officers in the executive department, and from superintendents of state institutions, upon any subject relating to the duties of their respective offices. He also has the power to appoint officers for many of the executive departments established by the General Assembly, and boards for the educational and charitable institutions of the state.

No one is eligible to the office of governor unless he is a citizen of the United States. Before a person of foreign birth can be eligible, he must have been a citizen of the United States for ten years immediately preceding the election. In addition to these acquirements, a candidate, to be eligible, must be thirty years old and, for

five years immediately preceding his election, must have been a resident of Virginia. The governor receives a salary of five thousand dollars per annum. He is authorized to employ a secretary at a salary not exceeding twelve hundred dollars per year, and an assistant secretary at a salary not exceeding nine hundred dollars per year.

The Lieutenant Governor.— This officer is elected at the same time and for the same term as the governor; and he must have like qualifications. He is president of the Senate, and if the governorship becomes vacant for any reason, he fills the office for the remainder of the term.

Secretary of the Commonwealth.— The secretary is the keeper of the seals of the commonwealth, and he is charged with the clerical duties of the Executive Department. He attests the official acts of the governor, records them, and lays them, with all other papers in his office, before either house of the General Assembly whenever he is required to do so. In general, it is his duty to preserve all papers connected with the Executive Department, and to render to the governor such services as he needs in transacting executive business. He records in his office the charters of all companies incorporated by the State Corporation Commission. The law requires this to be done before such companies can exercise the rights that have been granted to them. The secretary also distributes copies of the code of Virginia and of the Acts of the General Assembly to the officers entitled to them. He has likewise important duties to discharge in connection with elections, which will be mentioned in the chap-

ter on elections. He receives (1904) a salary of two thousand eight hundred dollars per annum. He is authorized to employ clerks to assist him in his work, at a cost not exceeding two thousand dollars. In addition to the oath of office, he takes an oath to keep secret the affairs of state.

The Auditor of Public Accounts.— The Auditor is the state accountant, and he has a wide circle of important duties. County and city treasurers, clerks of courts, and other officers account to him for taxes collected by them, making payment thereof into the treasury through his office. He also collects a large part of the state's revenues, including taxes on railroad companies, insurance companies, banks, telegraph and express companies. He audits all claims against the state, except claims for interest upon the state's obligations, and issues warrants upon the treasurer for those which he allows. The auditor makes an annual report to the superintendent of public instruction of the amount that can be applied for school purposes. He also reports to the governor, makes special reports when asked to do so, and an annual report containing detailed information in regard to the financial affairs of the commonwealth, with an estimate of the revenue and expenditures for the succeeding year. The auditor receives (1904) a salary of four thousand dollars per annum. He is authorized to employ several clerks to aid him in his work.

The Second Auditor.— There is also a second auditor, who is elected by the joint vote of the General Assembly at the same time and for the same term as the auditor of public accounts. He keeps account of all funds paid

into the treasury that go to the credit of the Board of Education, or any corporation composed of officers of the government, the property of which belongs to the state. When claims are brought against any of the above corporations, he issues warrants on the treasurer for the payment of such of them as are allowed. He is the accountant of all money paid into the treasury belonging to the sinking fund, and issues warrants for its disbursement. He keeps all accounts connected with the state debt, and issues warrants on the treasurer for the payment of interest on it. He keeps account of the interest due to institutions of learning, holding state securities, and draws upon the treasurer for its payment to the proper authorities. He receives also reports of the boards of trustees and visitors of state institutions of learning, including the report of the Miller Manual Labor School. The second auditor receives (1904) a salary of one thousand seven hundred dollars per annum and commissions allowed by law. He is aided in his work by clerks.

The State Treasurer.— The treasurer does not receive the state's money directly, but it is paid into some designated bank for the state by officers authorized to collect it. The treasurer pays it out, however, but only upon warrants issued by either the auditor or second auditor. From the foregoing, it is seen that neither the auditor of public accounts, nor the second auditor, nor the state treasurer, can, by his single act, get possession of money that has been paid into the state treasury. This arrangement is one of the checks of the government upon those who have charge of and keep account of the state's money. The treasurer makes reports to the governor as

prescribed by law, special reports when requested to make them, and in addition an annual report showing the condition of the treasury. He receives (1904) a salary of two thousand dollars and commissions allowed by law, and is assisted by several clerks.

The Attorney-General.— At the same time that a governor is elected, the people elect an attorney-general, who is the legal adviser of the governor, of the State Corporation Commission, and of the officers that are at the seat of government. He is counsel for the state in all cases that come before the Supreme Court of Appeals, the Supreme Court of the United States, the District and Circuit Courts of the United States for the state of Virginia, and the Circuit Court of Richmond. He receives (1904) a salary of twenty-five hundred dollars per annum and ten cents for every mile of necessary travel on business for the state.

The Commissioner of Agriculture and Immigration. — This officer is elected by the qualified voters of the state, and he serves for a term of four years. His duties, which are determined by the Board of Agriculture and Immigration, are chiefly as follows: He has charge of the Department of Agriculture and Immigration. His special work is to encourage the development of agriculture and the raising of cattle and sheep; to investigate the causes of the diseases of grain, fruit, and other crops, and to suggest remedies; to collect information in regard to the mining and manufacturing interests of the state, with a view to fostering them; and to give the people the results of his investigations in regard to all these matters. He also has supervision of the fertilizers that are

offered for sale in the state. He has the different kinds analyzed, and forbids the sale of any that are found to be of no practical value. He is authorized to employ a clerk, a chemist, and a geologist to aid him in carrying on his work. It is also his duty to publish and disseminate such information in regard to the soil, climate, natural resources, and industries of the state, as may attract capital and induce immigration. The commissioner receives (1904) a salary of two thousand dollars.

The Militia.— All able-bodied men between the ages of eighteen and forty-five years, except such as are exempt by the law, are subject to military service, and constitute the reserve militia, but are not required to muster in time of peace. The active militia is formed of the Virginia volunteers. These consist in time of peace of not more than sixty companies of infantry, eight battalions of artillery and ten troops of cavalry. The volunteers are first ordered to take the field when any emergency arises. The governor as commander in chief of the militia commissions the officers. The adjutant-general is chief of the governor's staff, and is his military executive officer.

State Corporation Commission.— This important Commission consists of three members who are appointed by the governor, subject to the confirmation of the General Assembly. The members hold office for six years, but their terms are arranged so as to expire two years apart. Their salaries are fixed by the General Assembly, but no commissioner is to receive less than four thousand dollars per annum. One of the members of the Commission must have the qualifications prescribed for a judge

of the Supreme Court of Appeals. This body has many very important duties to discharge, most of which are executive in character, but some are legislative and some judicial. It has the power to grant and amend charters of all kinds under general laws enacted by the Legislature. Thus a person can at any time find out from the Commission what kind of corporate powers he may obtain in Virginia, and secure at trifling expense any kind of charter allowed by law.

The Commission has authority to supervise and control all transportation and transmission companies, such as railroad companies, telegraph companies, etc., in all matters connected with the performance of their public duties. It can at any time inspect their books, and prescribe such rates, charges, classification of traffic, rules and regulations as may be reasonable and just, so that such companies cannot use the great powers entrusted to them by the state to the injury of the people. All corporations chartered by the state are required to register annually with the Commission and to send in reports showing their condition. Whenever corporations propose to issue stock, or bonds, they must make a statement to the Commission, explaining the basis or financial plan upon which such stock or bonds are to be issued.

The Commission takes care of the fund for internal improvements, and looks after the interests of the state in many other ways. It also exercises a general supervision over companies chartered to carry on works of internal improvement; keeps a register of all state property; prescribes tolls for any canal, navigation, or bridge company whose charter does not fix them; assesses the value of all

railroad and canal property in the state for taxation, and makes agreements with the state depositories in regard to the interest to be allowed the state for money kept on deposit.

The Corporation Commission is one of the most useful and important departments of the state government. Through it ample provision is made for preserving the rights of the people; and, at the same time, corporations can protect themselves from possible injustice by taking appeals from decisions of the Commission to the Supreme Court.

Other Executive Departments and Officers.— The executive officers of the state are assisted in carrying on the government by various administrative officers, commissioners, and boards, which have been from time to time created. The following list includes the most important of these: —

(1) *Superintendent of Public Printing.*— Elected by the General Assembly. Term of office, four years.

(2) *Superintendent of the Penitentiary.*— Appointed by the Board of Directors of the Penitentiary. Term of office, four years.

(3) *State Assayer and Chemist.*— Appointed by the governor. Term of office, not limited.

(4) *Commissioners of the Sinking Fund.*— These are the treasurer, the auditor of public accounts, and the second auditor.

(5) *Tobacco Samplers.*— Two for each public warehouse. Appointed by the governor with the concurrence of the Senate. Term of office, four years.

(6) *Inspectors of Oysters.*— Appointed by the Board

of Fisheries in the counties where oysters are caught or planted, as many for each county as are necessary. Term of office two years.

(7) *Inspectors of Cattle.*— Eight of these are appointed by the governor, one to live during his term of office at the town of Goodson, one at Patrick C. H., one at Danville, one at Norfolk or Portsmouth, one at Boykin Depot, one at Hicksford, one at Covington, and one at Cumberland Gap. Term of office, two years.

(8) *Inspectors of Various Articles.*— The governor has authority to appoint annually in counties, cities, and towns where such officers are needed, inspectors of flour, corn, meal, bread, salt, fish, pork, beef, pitch, turpentine, lumber, hemp, butter, and lard.

(9) *Board of Fisheries.*— Appointed by the Governor. Five members. Term of office four years.

(10) *State Board of Health.*— Seven members. Appointed by the governor. Term of office, four years.

(11) *Board of Pharmacy.*— Five members. Appointed by the governor. Examines persons who wish to retail, compound, or dispense medicines or poisons, and issues certificates to such as are found to be competent. Term of office, five years.

(12) *Board of Dental Examiners.*— Six members. Appointed by the governor. Examines persons who wish to practice dentistry, and issues certificates to such as are found to be competent. Each member serves three years, but all do not go out of office at the same time.

(13) *Board of Medical Examiners.*—Composed of three members from each congressional district, two from the state at large, and five homeopathic physicians from

the state at large. Term of office, four years. Examines persons who wish to practice medicine and surgery, and issues certificates to such candidates as are found to be competent.

(14) *State Board of Agriculture and Immigration.*— Ten members, one from each congressional district. Each must be a practical farmer. Appointed by the governor subject to confirmation by the Senate. Term of office, four years. The president of the Virginia Polytechnic Institute is *ex officio* a member of this board. This board has control of the Department of Agriculture.

(15) *Prison Association.*— Incorporated by the General Assembly for the purpose of improving the government, discipline, and general management of prisons within the state; to better the condition of prisoners; and to encourage and aid discharged convicts who show a desire to reform.

(16) *Board of Directors of the Penitentiary.*— Five members appointed by the Governor, subject to confirmation by the Senate. Each member serves five years, but the terms of office are arranged so that one member goes out each year. This board governs and controls the penitentiary, branch prisons, and prison farms, and appoints superintendents, surgeons, etc.

No Free Passes.— All public officers, state, county, district and municipal are prohibited, under the penalty of the forfeiture of their offices, to use free railroad passes, or telegraph and telephone franks. Also companies that give public officers passes or franks are subject to such penalties as may be prescribed by the General Assembly.

QUESTIONS

1. What officers form the main executive power of the state?
2. By whom are the governor, lieutenant governor, secretary of the commonwealth, and treasurer elected, and what is their term of office?
3. How are the other state officers elected, when do they begin their duties, and what is their term of office?
4. Mention some of the powers exercised by the governor, and some of the duties which he discharges.
5. What qualifications must a man have in order to be a candidate for governor?
6. What are the qualifications and duties of the lieutenant governor?
7. What are the chief duties of the secretary of the commonwealth?
8. The auditor of public accounts?
9. The second auditor?
10. The state treasurer?
11. The commissioner of agriculture and immigration?
12. What men are subject to military service?
13. Of what does the active militia consist?
14. Who are first ordered out in time of war, and who is the commander?
15. How are the members of the State Corporation Commission appointed?
16. What are the chief duties of this Commission?
17. Mention some of the other executive officers.
18. How are they appointed, and what is their term of office?
19. What restriction is placed upon the use of free passes by public officers?

CHAPTER VI

THE STATE — JUDICIAL DEPARTMENT

Preparatory Work.— Have you ever seen a court in session? Who acted as judge? What courts meet in your town, city, or county? Give the name of a judge who presides over one of these courts? What cases are tried by a justice of the peace?

A Judicial Power Necessary.— In the various dealings which men have with one another differences are continually arising, and wrong deeds are frequently done. For this reason, any complete form of government must have some power to decide disputes, to award justice, and to punish crime. These objects are effected by what is called the judicial power, which, if properly exercised, insures to the citizen protection and security in the enjoyment of his rights.

The Courts.— The judicial power is vested in the courts, which may be defined as organized bodies, to which are committed the interpretation of the laws and the administration of justice, as applied to each particular case coming before them. A court may consist of one judge, of a judge and a jury, or of several judges; but, in transacting its business, it is assisted by attorneys, clerks, sheriffs, and constables. The courts of Virginia are divided into three grades, the justice's court, the circuit court, and the supreme court of appeals.

A Case at Law.— Any case that comes before a court for hearing and decision is called an action at law or a suit in chancery. Cases are called either civil or criminal, according to their nature, civil cases being those that take place between private persons on account of debt, the violation of a contract, or because of some injury to person or property, while criminal cases are those in which the state seeks to punish persons who commit crimes. Civil cases are of many kinds, but crimes are either misdemeanors, that is, offenses punishable by fine, by imprisonment in jail, or by both, or they are felonies, that is, offenses punishable by imprisonment in the state penitentiary or by death. In civil cases, the party who brings the suit is called the plaintiff, and the party against whom the suit is brought is called the defendant. In criminal cases, the state is the plaintiff, the act being an offense against the state, and the accused is called the defendant or the prisoner.

Jurisdiction.— Each court has power to pronounce the law in certain specified classes of cases, and in certain territorial limits, and these constitute what is known as its jurisdiction [1] or right to decide. The law prescribes the limits within which each court may act. A brief explanation will make this plain.

[1] A court has original jurisdiction when a case may be commenced in it, and appellate jurisdiction when it has a right to hear a case on appeal from a lower court. Two courts have concurrent jurisdiction in cases where either court may try them. In suits between citizens of different states, in such as involve points of United States law, and in those to which foreign ambassadors are parties, the cause can be brought in the United States courts or the defendant can elect to remove it to one of these courts. Except in cases like these, the Virginia courts form a complete system adequate for the trial of all causes.

1. Jurisdiction depends upon the nature of the question to be decided. For example, one court has the right to try cases of misdemeanor, a second to try cases of felony, and a third to try civil cases involving three hundred dollars or more.

2. Jurisdiction depends also upon locality. Except in the case of the court of appeals, the jurisdiction of each court is confined, with few exceptions, to the limits of the circuit or city for which the court is appointed, for it is a maxim of English law that justice must be brought to every man's door. Even the judge of a circuit embracing several counties, cannot ordinarily hear a cause in any county of his circuit except the one in which it arises.

3. Jurisdiction depends likewise upon the process. Process here means notice. A principle which governs all criminal and civil procedure is that no one can be deprived of his life, liberty, or property without due process[1] of law. Accordingly, no court has the right to decide any matter unless the parties interested have had an opportunity to be heard. The jurisdiction of each court will now be defined.

The Justice's Court.— The office of justice of the peace is of great antiquity, having originated in England in the reign of Edward III. In addition to being a conservator of the peace, the justice holds the court of lowest grade in the state. He has power to try all persons who are charged with committing offenses classed as

[1] "Due process" is a method of procedure "which, following the forms of law, is appropriate to the case, and just to the parties to be affected."

misdemeanors, and also to try civil cases[1] involving as large an amount as one hundred dollars, exclusive of interest. But, in civil cases it is provided by law that when the amount or thing in controversy exceeds twenty dollars, the defendant can at any time before the trial have the case removed to the circuit court. This provision is made because there is no jury in the justice's court, and the Constitution of the United States guarantees the right of trial by jury when the amount in controversy is greater than twenty dollars.

Appeals from the court of a justice are heard by the circuit court.[2]

One justice can get one or even two other justices to hear a case with him as associates. If two try a case, the opinion of the justice who has charge of the court prevails if there is a disagreement. But if three hear a case, the opinion of a majority prevails.

It is the duty of a justice to issue a warrant for the arrest of any one who has committed felony, and, after holding a preliminary examination, to have the accused person put into prison till he can be indicted by the grand jury and brought to trial in the circuit court. If a person is charged with felony, and the justice finds on ex-

[1] If, however, the claim is to a fine, the justice cannot try the case if it involves more than twenty dollars.

[2] Appeals in misdemeanor cases and in civil cases also from the courts of the justices are heard by the circuit courts. Appeals cannot be taken, however, in all small cases. The law is, if a justice nas given judgment in a case which involves the constitutionality or validity of an ordinance or of a by-law of a corporation, or where the matter in controversy is, exclusive of interest, of greater value than ten dollars, the defendant can within ten days take an appeal to the circuit court. If he does this, however, he must give security for the payment of the judgment, if it should be confirmed, and of all costs and damages.

amination that there is but a light suspicion of guilt, he can release the accused on bail till he can be brought to trial.

The Circuit Court.— Virginia is divided into twenty-four judicial circuits, for each one of which a judge is elected by the joint vote of the two houses of the General Assembly. These judges are commissioned by the Governor, and enter upon their duties on the first day of February after their election. They serve for eight years, but their terms are arranged so as to expire at different times, one fourth of the number going out of office every two years. Each judge holds a court called a circuit court, which meets in each county and city of the circuit as often as business interests may require, the number of sessions being fixed by the Legislature. A circuit judge receives a salary of not less than two thousand dollars per annum, one half of which is paid by the State, and the other half by the counties and cities composing the circuit.

The circuit court has authority to try all persons who are charged with offenses sufficiently grave to be classed as felony, and is thus the main criminal court of the state. It is also the main civil and chancery[1] court. All civil cases involving one hundred dollars or more must be commenced in this court, and civil cases involving from twenty dollars to one hundred dollars can be begun in it as well as in the justice's court. The circuit court has

[1] A chancery court is one possessing power to grant the kind of relief demanded in any case by natural justice between man and man. It can for example compel a man to perform a contract instead of paying damages for not doing as he promised. So, also, it can restrain a man from doing an unlawful act, grant relief against fraud, etc. The circuit court is a court of law and equity and administers both.

power to try all chancery cases, and it has jurisdiction over the proving of wills, the appointment of executors, administrators, guardians, etc.

The clerk of the circuit court has authority at any time in his office, whether the court is in session or not, to appoint personal representatives, guardians, appraisers of estates, etc.

Actions involving title to real estate, and actions against persons, who hold unlawful possession of real estate belonging to others are brought in this court.

The circuit court hears appeals from the courts of the justices in misdemeanor cases, and also in civil cases where the amount involved is, exclusive of interest, more than ten dollars. It also hears appeals from decisions of boards of supervisors if the claim exceeds ten dollars.

As a rule misdemeanor cases cannot be commenced in the circuit court.[1]

The Supreme Court of Appeals.— This court is composed of five judges, distinguished for ability and knowledge, who are elected for a term of twelve years by the joint vote of the two houses of the General Assembly.

[1] There are some exceptions to this general rule — Misdemeanor cases, involving the following offenses, can originate in circuit courts as well as in courts of justices; 1. Violations of the revenue laws of the State; 2. Offenses against public policy (such offenses as keeping faro banks, selling lottery tickets, etc.); 3. A few offenses against morality (such as the unnecessary unloading of freight cars on Sunday, or the transportation of freight cars that do not contain perishable articles, the selling of intoxicating liquors on Sunday, etc.).

The law also provides that if a person charged with one of the above named offenses, is tried by a justice and convicted, he can at any time within ten days appeal to the circuit court. Then, if the warrant, when it is tried in the circuit court, be found defective, the court can, upon its own motion, or upon the request of the attorney for the commonwealth, or for the accused, amend it, or the judge can issue a new warrant if the old one is so defective as to render this necessary.

Their terms are arranged so that all will not go out of office at the same time. Each judge receives a salary of not less than four thousand dollars per annum, which is paid by the state. The judges appoint one of their number president of the court, and select another who is required by law to reside at the seat of government. Any three of the judges may hold a court.

The great business of this court is to hear appeals [1] from the lower courts. It possesses the highest judicial power, and it is the court of last resort, in the state, to which appeals can be carried.

City Courts.— Every city with ten thousand inhabitants or more has, in addition to the circuit court, a corporation court; and, for cities with thirty thousand inhabitants or more, the Legislature is authorized to provide such additional courts as may be needed. Cities [2] of less than ten thousand inhabitants that have no corporation courts come within the jurisdiction of the circuit courts

[1] The supreme court of appeals has appellate jurisdiction only, except in cases of *habeas corpus, mandamus,* and prohibition. It does not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and interest is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing; or the right of the State, county, or municipal corporation to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceedings imposing taxes; and except in cases of *habeas corpus, mandamus,* and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. The assent of at least three of the judges is required for the court to determine that any law is, or is not, repugnant to the Constitution of this State or of the United States.

[2] Cities with less than ten thousand inhabitants that have city courts, established under the old constitution, can now abolish them by a majority vote of their qualified electors. While such courts exist, they have concurrent jurisdiction with the circuit courts of the counties in which the cities are situated.

of their respective counties. For Richmond, there is a special system of courts, which embraces a circuit, a chancery, a hustings, and a law and equity court.

QUESTIONS

1. Why is it necessary that government should have a judicial department?
2. What are courts, and of what do they consist?
3. Into what three grades are the courts of Virginia divided?
4. What is the term applied to any case at law?
5. What is the difference between a civil case and a criminal case?
6. What is the difference between a misdemeanor and a felony?
7. Who is the plaintiff, and who is the defendant in a civil case?
8. In a criminal case?
9. What is meant by the jurisdiction of a court?
10. What three limitations are placed upon jurisdiction?
11. What is the difference between original jurisdiction and appellate jurisdiction? When do courts have concurrent jurisdiction?
12. Where did the office of justice of the peace originate?
13. What criminal cases can the justice try?
14. What civil cases?
15. What is the duty of the justice in regard to persons who commit felony?
16. What is a circuit court?
17. What is a chancery court?
18. What civil cases *must* be commenced in the circuit court, and what cases *may* be there commenced?
19. Over what criminal cases does the circuit court have jurisdiction?
20. What appeals does the circuit court hear?
21. How many judges compose the supreme court of appeals, for what are they distinguished, and how long do they serve?

22. How is the president of this court appointed, and what are the salaries received?
23. What is the chief duty of the supreme court of appeals?
24. What is said of the jurisdiction of the supreme court of appeals?
25. What courts do cities have?
26. What courts have been established for Richmond?

CHAPTER VII

LEGAL PROCEEDINGS

Duty of a Court.— A court when called on to exercise its judicial functions has a twofold duty to discharge,— to find out what the law is and what the truth is. It falls to the judge (or judges, if the court has more than one) to determine what the law is, and in some cases to decide also what the evidence proves in regard to the facts; but in many cases the evidence is submitted to a number of men called jurors, who are sworn to deliver the truth as proved by the evidence bearing upon the case.

Juries.— The word *juror* means one who has sworn. The grand jury is a body of citizens, sworn to present or charge persons who are known, or who can be proved, to have committed crimes, and to bring them to trial. The accusation made against a person who commits a crime is called an indictment. A petit jury in a criminal case is a body of citizens sworn to try the accusation which the grand jury has brought. The grand jury has nothing to do with civil cases. A petit jury in a civil case is sworn to decide the issue truly.

How Grand Juries are Obtained.—A regular grand jury is summoned every year at two terms of each circuit corporation, and hustings court. A grand jury is obtained in the following manner: The judge of each of the courts named above, every year, in the month of June, July or

August, makes out a list of forty-eight citizens, in every way qualified to act as grand jurors, apportioning them as far as possible, according to population among the magisterial districts of the counties and wards of the cities. Not more than twenty days before a term of the court, at which a regular grand jury will be required, the clerk of the court has twelve of the persons selected by the judge summoned to serve as grand jurors. No one of the forty-eight persons is required to serve as a grand juror more than once, till all the others have been summoned once; nor must he serve more than twice, till all the others have been summoned twice. Special grand juries can be ordered by the judge of the court when he deems it necessary. A regular grand jury consists of not less than nine nor more than twelve jurors; and a special grand jury of not less than six nor more than nine. At least seven jurors of a regular grand jury and five of a special grand jury must concur in making an indictment or presentment.

Trial Juries for Civil Cases.— Juries to decide disputed facts in any case are called trial or petit juries. For the trial of civil cases, such juries are obtained as follows: Every year the judge of each circuit and corporation court, between the first of January and the first of July, makes out a list of persons well qualified to serve as jurors, numbering from one hundred to three hundred,[1] according to the population of the county or corporation. These names are put in a box, each written on a separate ballot. Then at least ten days before the term of any

[1] In the courts for the cities of Richmond and Norfolk, the number may *be as large as* six hundred.

court when a jury will be needed, the clerk selects by lot from the box the names of seven persons, and has them summoned to serve as jurors. If any person who has been selected fails to attend by reason of sickness, absence from home, or other cause, or if he cannot serve on account of objections made to him, another juror is selected by lot to take his place. No person who has served as a juror is called on to serve again during the same year till all the persons whose names are in the box have been drawn to serve.

In a civil suit, the jury consists of five in such cases as a justice of the peace would have power to try, and of seven in cases too grave for a justice to decide. The law also provides that, in any civil case, with the consent of both plaintiff and defendant, the jury may consist of only three. One of these is selected by the plaintiff, another by the defendant, and the two thus chosen select the third. Trial by jury may also be waived altogether with the consent of both parties. If a jury is not employed, the whole matter of law and of fact is determined by the court, which then renders judgment.

Trial Juries for Misdemeanor Cases.— In misdemeanor cases, juries when employed consist of twelve, and are obtained in the same manner as trial juries for civil cases. In these cases, if the accused person pleads guilty, and both he and the commonwealth's attorney agree to dispense with a jury, then the trial is conducted without one. If the accused pleads not guilty, and both he and the commonwealth's attorney consent to dispense with a jury, then it is left to the discretion of the court to decide whether one shall be employed or not.

Trial Juries for Felony Cases.— In a felony case, a jury is obtained in the following manner: The judge of the circuit or corporation court where the trial is to take place, makes out a list of persons residing in the county or corporation, and from this list sixteen persons, living remote from the place where the crime was committed, and qualified in other respects to serve as jurors, are summoned to attend court. The commonwealth is not allowed to challenge a juror except for cause, but if objection is made to a juror and it is sustained by the court, another juror is put in his place. After sixteen persons, free from objection, have been obtained, the accused person is allowed to strike off four, and the remaining twelve constitute the jury to try the case. If the accused strikes off less than four, or if he declines to strike off any, twelve are selected by lot.

In a felony case, if the accused pleads guilty, and both he and the commonwealth's attorney consent to dispense with a jury, then the trial is conducted without one.

1. *Proceedings in Civil Cases.*

Ordinary Civil Cases.— Trials between individuals may take place for the purpose of establishing a right depending on one or more simple facts. For example, the object may be to determine whether a debt is due, whether damage has been sustained, or whether one man unlawfully holds possession of houses, lands or some other property belonging to another. Such cases as these give rise to ordinary civil suits, or to what are known as common law [1] actions.

[1] The common law consists of rules of action which long usage and custom have rendered binding, and for this reason it is said to be "founded

First Proceedings in Ordinary Civil Cases.— The case is begun by the plaintiff, who files with the clerk of the circuit court a memorandum giving the names of the plaintiff and the defendant and explaining the character of the suit. Thereupon the clerk has the defendant summoned to appear at a certain day, known as a "rule day," to make answer to a written statement, called a declaration, which the plaintiff is required by law to file to explain the cause of his suit. The plaintiff must file the declaration within a month after the defendant has been summoned. After this has been done, the defendant must file a plea either at rule day or at the term of the court following, if he wishes to protect his interests.[1]

The Trial.— The declaration and the plea having been filed, the trial usually takes place at some future day of the court. The judge presides; and unless both parties are willing to submit all questions to the court, a jury is secured to try the case. The counsel for the plaintiff tells briefly what the case is about, and what he expects to prove. The counsel for the defendant follows with a statement in behalf of his client. After this the witnesses are examined and cross-examined; and then usually the

in reason and in the principles of justice." It is frequently called the unwritten law, while the statutes passed by legislatures are called the written law. The common law of Virginia, and indeed of all the states except Louisiana, is based upon the common law of England, which the first settlers brought with them to America.

[1] *Another Method of Preliminary Procedure.*— By a recent statute, instead of following the method above indicated, any one may proceed in many cases at common law by notifying the defendant that on the first day of the next term of court he will move for judgment. The notice is served by the sheriff just as the summons was. It takes the place of the declaration, etc., and enables the parties to avoid the rule day, or proceedings at rules, as it is called. At the time fixed the trial takes place in the usual way.

jury is asked to retire while instructions to be given in regard to the case are being discussed. The attorneys for each side write out instructions which they request the judge to give to the jury. This part of the proceedings being completed, the judge gives to the jury instructions, in which he states the law bearing upon the case. The case is next argued to the jury by the respective attorneys. The arguments that are usually presented show the inconsistencies of the opposite side of the case or dwell upon the credibility of one witness as against another. The jury then retires to consider the case in secret. If the jurymen cannot agree, they are discharged and the case may be tried again. But if they all agree, they return a verdict for the plaintiff or for the defendant. The court is often asked to set aside the verdict and grant a new trial. If it refuses, the clerk enters the judgment, which the court signs.

Chancery Proceedings.— In chancery cases, the proceedings are similar to those at common law. The summons is called a subpœna,[1] and the bill in chancery takes the place of the declaration at common law, and the answer takes the place of the plea. The testimony at common law is generally oral, and is taken at the trial, but in chancery it is taken in depositions, which consist of written questions by the attorneys and written answers by the witnesses. Usually there is no jury, the court deciding all questions both of law and of fact, but in a contest in regard to a will the court orders a jury.

[1] In chancery practice a subpœna is a mandatory writ directed to a person and requiring him to appear and answer the matters charged against him.

There are other methods of court procedure in the administration of justice between man and man which cannot be described in a work like this. Courts are called on for many objects and the proceedings differ in different classes of cases. In all cases, however, the court must give each party an opportunity to be heard in order that he may correct false statements made by others.

2. *Proceedings in Criminal Cases.*

The Prevention of Crimes.— It is the duty of every justice of the peace, constable, sheriff, notary, and indeed of every citizen who knows that a crime is about to be committed to give notice of it, and to have the person who threatens to do the wrong deed arrested. A person taken into custody upon a charge of this kind is required, if the justice thinks proper, to give bond and security for his good behavior; and if he fails to do this, he is sent to jail.

The Detection of Crimes.— But notwithstanding all precautions, crimes will be committed, and for their detection each county and city has its grand jury, the members of which are selected from different parts of the county or city, and so are apt to hear of serious offenses. When a grand jury is summoned, the judge instructs the jurors in regard to offenses that should be indicted. There are many statutes requiring him to charge them as to particular offenses.

It is the duty of every justice of the peace to cause the arrest and imprisonment of criminals, and to send the witnesses against them before the grand jury that they may be charged with their crimes. It is also the duty

of every citizen who knows that felony has been committed, to appear before the grand jury and make accusation against the guilty person. Any person who aids a felon in escaping from the law thereby renders himself liable to punishment. Thus the system for the discovery of crimes is very complete; and when it fails, if the crime is an outrageous one, the governor may offer a reward for its detection.

Before a Justice.—After a man has been arrested on the charge of committing a crime, he is taken before a justice of the peace. If the offense is a misdemeanor, the justice tries the case, and discharges, fines, or imprisons the accused as the law prescribes. If a man is arrested for felony, he is also taken before a justice of the peace, and if he is shown to be innocent, the justice discharges him. But if he is not shown to be innocent, the justice releases him on bail or sends him to jail till he can be brought to trial before the circuit or corporation court.

Indictment for Felony.— No man can be tried for felony till he has been indicted by the grand jury. The indictment is the charge against the accused person, written out with full particulars. It is drawn up by the commonwealth's attorney, who gives it to the grand jury. Witnesses in support of the accusation appear before the grand jury, and, after being sworn, give in their testimony. If the grand jury then thinks that the charges in the indictment are well founded, and the evidence probably sufficient to prove them, "a true bill" is indorsed on the indictment. If the grand jury thinks that the evidence is insufficient to establish the charges, "not a true bill" is indorsed on the indictment. But the fact that the

grand jury has found "not a true bill" does not prevent the finding of "a true bill" at some future time, if other evidence should be discovered.

Trial for Felony.—After a man has been indicted and has received due notice, he is brought into court for trial, and no steps can be taken in the trial in his absence. The commonwealth's attorney conducts the prosecution; and if the accused is unable to secure an attorney for his own defense, the court may assign counsel to represent him. When the prisoner is arraigned, he is ordered to stand up and the indictment is read to him. This being done, he is asked whether he is guilty or not guilty as charged in the indictment. If he pleads "not guilty," the witnesses for and against him are examined and cross-examined, and he is allowed to testify in his own behalf. The case is then argued by the attorneys, and the judge delivers to the jurors instructions in regard to the principles that should govern them in reaching a decision. If the jury renders a verdict of "not guilty," the court so informs the prisoner and he is released. But if the verdict is "guilty," the judge sentences the prisoner to the penitentiary or to be hanged, as the case may be.

If the accused pleads guilty, the judge on motion of either the counsel for the defense or of the counsel for the prosecution, decides whether or not the witnesses shall be examined. The judge can, however, have the witnesses examined anyway if he wishes to have this done. This part of the proceedings being over, the counsel for the accused usually makes an appeal to the jury, asking them to show as much leniency as the law will allow in rendering their verdict.

Habeas Corpus.— If a person under arrest thinks that he is unlawfully imprisoned, he or any one interested in his case may apply to the judge of any corporation, or circuit court for a writ of habeas corpus. This is an order commanding the sheriff to bring the accused person into court so that the cause of his arrest may be investigated. The judge looks into the matter, and if he finds that the prisoner's arrest was unlawful, he releases him. This writ applies not only to prisoners under arrest, but also to cases where a person is unlawfully detained by another. For example, a father can use it to get possession of a child that is held, contrary to law, by another person.

The writ of habeas corpus had its origin in England at an early date, and is regarded as one of the most important writs in law, for it protects a man's right of personal liberty by providing for an examination, by competent authority, of the ground of his arrest or detention.

QUESTIONS

1. What twofold duty has a court to discharge?
2. Who determines what the law is in any case, and who usually decides what the evidence proves?
3. What does the word *juror* mean?
4. What is a grand jury? What a petit jury?
5. How are grand juries obtained?
6. How are juries obtained to try civil cases? Misdemeanor cases?
7. How are juries obtained to try felony cases?
8. How do ordinary civil cases arise?
9. What is meant by the common law?
10. What are the first proceedings in civil cases?
11. *Give* a brief outline of the trial in such cases.

12. What is said of chancery proceedings?
13. What are depositions?
14. What is the duty of every officer, and of every citizen who knows that a crime is about to be committed?
15. How does every county or city provide for the detection of crimes?
16. What instructions does the judge give the grand jury?
17. What action should every justice of the peace take in order to bring criminals to justice?
18. What is the duty of a citizen who knows of a crime?
19. Before whom is a man arrested for crime first taken?
20. What does the justice do if the charge is for a misdemeanor? What for a felony?
21. What is an indictment, and who draws it up?
22. What action does the grand jury take in regard to an indictment?
23. Give a brief outline of a trial for felony.
24. If a person is unlawfully imprisoned, what can he do?
25. What is the writ of habeas corpus?
26. Where did it originate, and how is it regarded?

CHAPTER VIII

THE PUBLIC SCHOOL SYSTEM

Preparatory Work.— Who teaches the public school in your neighborhood? What is the difference between a public school and a private school? Give the name of the superintendent of schools in your county or city, and tell whether he is appointed or elected. Who are the members of the board of school trustees in your district? How are positions to teach in the public school system secured?

History of Popular Education.— In 1796 the General Assembly enacted into a law that part of a bill proposed by Mr. Jefferson which provided for establishing and supporting elementary schools. But it was left to the county courts of that day to decide for their respective counties whether or not the law should go into effect; and this condition practically annulled the measure, for not a single county court decided in favor of putting it into operation. In 1810 the Literary Fund [1] was formed, and the revenue from this was devoted exclusively to the education of poor white children till 1817, when under the influence of Mr. Jefferson a part of it, fifteen thousand

[1] The Literary Fund was formed from the proceeds of confiscations, escheats, sale of glebe lands belonging to the former colonial church, forfeitures, fines, etc. The fund was afterwards further increased by money received from the Federal government. In 1861 it amounted to $2,260,000. In 1896 the fund aggregated $2,275,649.28.

The law by which the University of Virginia was founded was, through the influence of Thomas Jefferson, passed by the General Assembly in 1819.

dollars, was set aside annually for the permanent endowment of a university. After this, the remainder of the interest of the Literary Fund was applied to the education of poor white children; but the funds provided were insufficient for the needs of even this class. No adequate provision was made for public education till the adoption of the constitution of 1869, which required the General Assembly to establish a uniform system of public free schools. This was done during the session of 1869-70. The system, after it had been put into operation, grew rapidly in favor, and under its influence the percentage of illiteracy has been gradually diminishing.

Organization of the Public School System.— The state is divided by the Board of Education into appropriate sections, called school divisions. These consist of not less than one county or city each. Two or more counties may be combined so as to form one division, but no county or city is to be divided so that part of it will be in one school division and part in another. Each magisterial district constitutes a separate school district, unless otherwise provided by law.

Officers of the System.— The public school system is administered through the following officers: A state board of education, a superintendent of public instruction, division superintendents of schools, county and city school boards, and district school boards.

The State Board of Education.— The Board of Education is a corporation consisting of the Governor, the Attorney-General, the Superintendent of Public Instruction, three experienced educators, and two division superintendents as associate members. The three educators

are taken from the faculties of the state educational institutions, and are selected in the following manner: The boards of visitors or trustees of the different state educational institutions [1] nominate from the respective faculties men eligible for membership on the Board of Education. From the list thus obtained, the Senate elects three members, no two of these coming from the same institution. The Board itself, as thus constituted, then elects, as associate members, two division superintendents, one from a county and one from a city. The associate members have all the powers of the other members and discharge all their duties, except that they do not take part in the appointment of any public school official. All the members of the Board of Education serve for four years, except the division superintendents, who hold office for two years. This board is authorized to prescribe the duties of the Superintendent of Public Instruction; to divide the state into appropriate school divisions, appoint the division superintendents, subject to confirmation by the Senate, determine their duties and suspend them or remove them for cause; to select text-books and provide for the furnishing of schoolhouses with necessary apparatus and library; to prescribe the minimum number of pupils required to form a school; to hear appeals from the decision of the superintendent of public instruction; to make general regulations for conducting the system; to regulate, as the law provides, the management and investment of all

[1] The State educational institutions from whose faculties the three educators are elected are the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also the College of William and Mary as long as this institution receives an annual appropriation from the State.

school funds; to exercise such supervision of state schools of higher grades as the law provides; and to make a report to the General Assembly at each regular session. It is also the duty of this board to appoint a board of directors for the state library.

The Superintendent of Public Instruction.— This officer, who must be an experienced educator, is elected by the people at the same time and for the same term as the Governor. He is the chief executive of the public school system, and as such he is to a large extent responsible for its efficiency. It is his duty to explain the meaning of the school laws and to see that they are faithfully executed; to instruct school officers as to their duties; to prescribe the forms of registers and reports; to apportion the school funds among the counties and cities; to exercise general supervision of the public schools of the state; to decide appeals from decisions of division superintendents; to make an annual report to the Board of Education, of which he is *ex officio* president, giving detailed information in regard to the workings of the system; to make suggestions to the Board of Education and to the General Assembly upon matters connected with the system; and to promote by all proper means an appreciation of education among the people and a desire for it.

The Division Superintendent.— A superintendent for each school division is appointed by the Board of Education, subject to confirmation by the Senate. He serves for a term of four years, from the first day of July after his appointment, and till his successor is qualified. He is required to supervise and visit the schools in his division; to explain the school system upon all proper occasions; to

promote an appreciation of education among the people and a desire for it; to examine and license persons who wish to teach; to promote the improvement and efficiency of teachers by all proper methods, under the direction of the superintendent of public instruction; to prepare annually, or oftener if it be necessary, under the direction of the superintendent of public instruction, a scheme for apportioning the state and local school funds among the school districts of his division; to decide all appeals or complaints touching the acts of persons connected with the school system in his division, subject to appeal to the superintendent of public instruction; to require annually, or oftener if necessary, from the clerks of the boards of district school trustees, full statistics in regard to the public schools of their respective districts; to observe the directions and regulations of the superintendent of public instruction, and to report to him annually. He is *ex officio* president of the county school board.

The School Trustee Electoral Board.— This body is composed of the division superintendent, the commonwealth's attorney, and a resident, qualified voter appointed by the judge of the circuit court. The division superintendent is chairman and the board elects one of its members clerk. The members qualify before the clerk of the circuit court, and serve for a term of four years. The first members appointed, under the present law, entered upon their duties, March 1, 1904.

The chief duty of this board is to appoint the school trustees. There are three of these for each school district, and they serve for a term of three years. The three first appointed served for one, two and three years;

and so, in filling vacancies, the board now appoints one each year. This board is also authorized to remove from office any trustee who fails to qualify, or who does not discharge his duty.

The County School Board.— The division superintendent of schools and the district school trustees in each county constitute a corporation, called the County School Board, which has power to make contracts, to take and hold property, and to sue and be sued. All property to be applied to county school purposes is vested in the County School Board, unless inconsistent with the grant or devise, upon such terms and conditions for its security as the circuit court shall prescribe. All such property the board is authorized, when not inconsistent with the terms of the grant or devise, to manage, and to apply the profits from it to educational purposes in the same manner and under the same restrictions as the general school fund is applied, except that a part of the profits may, if the board so decides, be used in the erection of schoolhouses or in the purchase of apparatus. In cases where money or other property is held by trustees for purposes of common school education, the board is charged with the duty of seeing that the trusts are properly administered, and it has authority to take all steps necessary to insure this. This board submits to the division superintendent, by the first of July each year, an estimate of the amount of money that will be needed for the support of the public schools during the next scholastic year. It also apportions the county school money among the districts of the county.

The District Board of School Trustees.— The three

trustees of each district form the District Board of School Trustees, of which one of the members is chairman and another clerk. This board is charged with the important duty of seeing that the details of the school system are carried out in the district. It is required to observe the school laws and regulations, to explain them and to enforce them; to employ teachers, and to dismiss them when delinquent; to suspend or dismiss pupils, when necessary; to supply text-books to children too poor to pay for them; to see that the school census is taken as prescribed by law; to call meetings of the people of the district for consultation in regard to school interests; to prepare annually and submit, on or before the 15th day of May, in each year, to the president of the County School Board, to be laid before the board at its earliest meeting, an estimate of the amount of money that will be needed in the district during the next school year, for providing schoolhouses, school books for indigent children, other school appliances, and necessary, proper, and lawful expenses; to hold, care for, and manage the school property of the district; to visit from time to time the schools of the district so as to see that they are properly conducted; to make an annual report to the division superintendent; and to issue warrants on the county treasurer to pay teachers, the clerk of the board for his services, and all other school expenses, after all such claims have been examined and approved.

The clerk of the District Board is required, in addition to keeping the record of the proceedings of the board, every five years, beginning with 1905, to take a census of all persons between the ages of seven and twenty

years living in the district, and at the same time a separate census of all deaf and blind persons between the same ages, to keep the records of the proceedings of the board, and to discharge such other duties as may be assigned to him.

Teachers.— Every teacher must be examined by the division superintendent, receive a certificate of qualification, and sign a written contract before taking charge of a school. Teachers are required to keep a daily register of facts pertaining to their schools in the manner prescribed by the superintendent of public instruction. A teacher can, for sufficient cause, suspend a pupil till the case is decided by the board of school trustees. For the better equipment of teachers for their work, the General Assembly has made provision for a number of Summer Normal Schools which are held annually.

Pupils.— Pupils between the ages of seven and twenty years may attend the public schools free of cost. Persons between the ages of twenty and twenty-five are admitted if they prepay a tuition fee. An enrollment of at least twenty pupils, with a reasonable assurance of an average daily attendance of that number, is required to constitute a public free school. White and colored children are taught in separate schools but under the same general regulations as to management, usefulness, and efficiency.

School Funds.— The funds which go annually to the support of the public schools consist of the following:—

1. *State Funds.*— These consist of the annual interest on the Literary fund, of all appropriations made by the General Assembly for public free school purposes of a

capitation tax[1] of one dollar per annum on every male citizen who has attained the age of twenty-one years, and of such tax on property, not less than ten cents nor more than fifty cents on every hundred dollars worth, as the General Assembly shall each year order to be levied. These funds are applied to the public free schools of the primary and grammar grades, and are apportioned on the basis of the school population. The primary and grammar schools are conducted for the equal benefit of all the people of the state.

2. *Funds raised by Local Taxation.*— The constitution gives the people in the various localities of the state the right to impose on themselves a special tax for educational purposes, provided the total levy for county and district school purposes does not exceed fifty cents on every hundred dollars worth of property. So each county, city, town (if the town is a separate school district) and school district can adopt this plan for raising additional funds for the support of such schools as the public welfare may require. The Legislature in carrying out this provision of the constitution has enacted (1904) a law requiring the people of each county to pay, for school purposes, a tax of from seven and one-half cents to twenty cents upon every hundred dollars worth of property in the county, and the people of each district likewise to pay a tax of from seven and a half cents to twenty cents upon every hundred dollars worth of property in the district. The primary schools, however, must be maintained at least four months of the school year before

[1] The legislature is authorized to levy a capitation tax of one dollar and fifty cents, but of such tax only one dollar is devoted to public school purposes.

schools of a higher grade can be established. The boards of supervisors of the counties and the councils of cities and towns provide for the levying of local school taxes.

City Schools.— The provisions for public schools in cities and towns [1] are essentially the same as those for the country. The system is administered by the State Board of Education, the superintendent of public instruction, division superintendents, and city school boards. A city school board has power, subject to the approval of the council, to divide the city into school districts, and it appoints all the teachers for the city schools. The city or town council appoints the three trustees for each school district, and levies taxes, or makes an appropriation for the support of the schools. In other respects the city school organization is the same as that for the country. The corresponding officers having also similar duties.

QUESTIONS

1. What law did the General Assembly pass in 1796 in regard to public education?
2. Why did the law not go into operation?
3. When was the Literary Fund formed, and how was all the interest at first used?
4. In 1817 how much of the interest was applied to the endowment of the University, and how was the remainder used?
5. When was adequate provision made for public education?
6. Tell about the division of the state into school divisions.
7. What is a school district?
8. What officers administer the public school system?

[1] A town of more than five hundred inhabitants may, if the council so decides, form a single school district.

9. How is the Board of Education constituted, and what are its chief duties?
10. How is the superintendent of public instruction elected, and what are his chief duties?
11. How is the division superintendent appointed, and what are his duties?
12. Who compose the School Trustee Electoral Board, and what is the chief duty of this board?
13. Who compose the County School Board?
14. What powers has this board?
15. What are its duties in regard to property to be applied to school uses?
16. How is the District Board of School Trustees formed?
17. With what important duty is this board charged?
18. Name some of its special duties?
19. What is the clerk of the District Board of School Trustees required to do every five years?
20. By whom must every applicant to teach be examined? What certificate must be obtained?
21. What provision has the General Assembly made for the improvement of teachers?
22. Who can attend public schools as pupils, and how many pupils are necessary to form a school?
23. What do the state funds for public schools embrace?
24. What constitute the local funds?
25. What is said of the provisions for city schools?

CHAPTER IX

ELECTIONS

The Right of Suffrage.— A characteristic feature of a free state is that the people are allowed to take part in the government, and this right is usually one of the first guaranteed by the constitution. The political power possessed by the people consists chiefly in the right of suffrage, by which is meant the right to vote in the election of officers and in deciding public questions. This right does not belong to all the people, but only to such as possess qualifications that are deemed necessary.

Qualifications Required.— The right of suffrage is granted to every male citizen of the United States, twenty-one years of age, who has been a resident of Virginia for two years, of his county, city or town for one year, and of the precinct where he offers to vote for thirty days immediately preceding any election in which he wishes to take part, provided he has been *registered* and has also paid his poll taxes in the manner prescribed by law. The laws[1] in regard to registration and the prepayment of capitation taxes are very strict, and, if properly enforced, will have the happy effect of restricting, in large measure, the right of suffrage to such citizens as are qualified to

[1] For a full statement of these laws, see Sections 19, 20, 21, 22, 23 of the Constitution.

exercise it intelligently. Without such restriction, it is impossible to secure the best government.

Qualified voters are entitled to vote for members of the General Assembly and for all officers elected by the people.

Registration.— The legislature provides for an annual registration of voters. Any person not allowed to register can appeal to the circuit court of his county or to the corporation court of his city.

The Election System.— For convenience to the people and to save expense, the same voting places are used for all elections, and officers of different kinds are elected at the same time. All elections are conducted upon the same general plan and by the same election officers. Magisterial district officers, county officers, State and Federal officers are elected on the Tuesday after the first Monday in November. So also are all town and city officers except mayors and councilmen, who are elected on the second Tuesday in June. Notices of special elections in counties are given by sheriffs and in cities by sergeants. Elections in towns are made known by the sheriff.

Election Officers.— The duty of carrying out the election laws is discharged by the Board of State Canvassers, an Electoral Board for each county and city, a Board of Commissioners of Election for each county and city, and precinct judges and clerks.

Board of State Canvassers.— This board is composed of the governor, the secretary of the commonwealth, the auditor of public accounts, the state treasurer, and the attorney general, or any three of these. Its chief duty

is to examine the election returns and determine the results for Federal officers and for the following State officers: The superintendent of public instruction, commissioner of agriculture and immigration, and members of the General Assembly.

County and City Electoral Boards.— Each county and city has an electoral board of three members, who are appointed by the circuit court of the county or the corporation court of the city. The members serve for three years, but their terms of office are so arranged that they expire at different periods, one year apart. The board chooses one of its members to be chairman, and another to be secretary, and holds a regular session annually in the month of March. It appoints election judges, clerks, commissioners of election, and registrars for its county or city. It is also charged with the duty of having ballots printed and delivered at the voting places before each election.

Election Districts.— Each magisterial district of a county, and each ward of a city, constitutes an election district or precinct, and for each precinct there is but one voting place. If it is found to be necessary, a magisterial district and also a ward may be divided into more precincts than one.

Precinct Officers.— Each precinct has three judges and two clerks. The judges and clerks are appointed by the Electoral Board of the county or city annually in the month of May, and whenever it is possible they are selected from different political parties. They serve for one year, and conduct all elections that take place in their precinct during their term of office. No person, if a can-

didate for an office at the election can serve as judge or clerk of elections.

Commissioners of Election.— Each county and city has a Board of Commissioners of Election of five members, any three of whom can act. It is appointed by the Electoral Board of the county or city, annually in the month of May, and the members are selected from the judges of election. Its duty is to canvass the election returns of its county or city.

Registration.— To prevent illegal voting, the Electoral Board of each county and city appoints for each precinct an officer, called a registrar, to enroll the names of persons entitled to vote, in books provided for the purpose. It is the duty of the registrar to be at his precinct every year on the third Tuesday in May to register all voters, not previously registered, and, thirty days before the November elections, to give one day to amending and correcting the list of voters. At this time, also, any qualified voter may register. The registrar is required by law at any time, previous to the regular registration days, to register any voter who may apply to him. The registrars are appointed before the first day of April, and serve for a term of two years. The first were appointed under the present law in 1904. No person is allowed to vote unless he has registered.

Election Supplies.— Registration books and poll books, that is, books in which are enrolled the names of persons as they vote, are furnished for each precinct by the secretary of the commonwealth. The electoral boards have the ballots printed. These contain the names of all candidates that have complied with the requirements

made of them by law, printed in black ink and in separate lines, below the office for which they offer themselves. The electoral boards affix to the ballots official seals, and put them up in sealed packages, making for each precinct a package containing twice as many ballots as the precinct has registered voters. The packages are kept by the secretaries of the electoral boards till a few days before the election, when they are delivered to the precinct judges. When a president and vice president are to be elected, the electoral boards have printed, on the official ballots, the name of each candidate for president and vice president, and group, under the names of the candidates for president and vice president of each political party, the names of the electors nominated by the political party of such candidates. None but sworn officers are allowed to see the official ballots till election day in order to prevent any one from cheating by having similar ballots printed.

Voting Places.— The voting places, called also polls, are kept open for one day — from sunrise to sunset. The law directs the electoral boards to provide at each voting place one or more small compartments or booths large enough to conceal a voter from general observation. Each booth must be supplied with a desk or other convenience for writing and also with pen and ink. It must likewise be arranged so that a person standing in it at the desk will be wholly excluded from the observation of the clerks, judges of election, and other persons.

At the Polls.— Each voter, as he presents himself, is furnished with an official ballot by one of the judges.

This he takes within the booth and prepares it by drawing a pen or pencil through the names of the candidates he does not wish to vote for, leaving the title of the office and the name or names of the candidates he does wish to vote for unscratched. No name is considered scratched unless the pen or pencil mark extends through three fourths of the name. The voter can also erase any name on the official ballot and substitute for it in writing another name. If a president and vice president are to be elected, the voter prepares his ballot by marking out the names of the candidates for president and vice-president he does not wish to vote for, but leaves the electors unscratched. Having prepared his ballot, he folds it with the names of the candidates on the inside, and hands it to one of the judges, who pronounces the name of the voter in an audible voice, and deposits the ballot in the box. The name of the voter is then checked on the registration book by one of the judges, and entered by the clerks of election in the poll book.

Challenging.— When a person offers to vote, the judges or any qualified voter may challenge him if it is supposed that he is not entitled to exercise the right of suffrage. A person who has been challenged is not allowed to vote unless the challenge is withdrawn, or his right to vote is sworn to by himself.

Counting Votes.— After the polls have been closed, the judges count the number of ballots, and, if it exceeds the number of names enrolled on the poll books, a number of ballots equal to the excess is selected by lot and destroyed. If any voter casts two ballots by folding them together, these are also destroyed; and if by the

destruction of fraudulent votes the number of ballots is reduced below the number of names on the poll books, the cause of the reduction is stated. The poll books are then signed by the judges and attested by the clerks. This being done, the judges read the ballots, and count the votes cast for each candidate. Two persons, friendly to each political party, are allowed to witness the counting.

The Returns.— When the results have been determined, they are written down in full in the poll books, after which the books are sealed, and together with the ballots, which are strung on a cord, are delivered on the day after the election by one of the judges to the clerk of the county or corporation. On the second day after the election, the commissioners of election meet at the clerk's office, and ascertain from the returns the persons who have received the greatest number of votes in the county or corporation for the several offices to be filled.

The clerk then transmits to the secretary of the commonwealth abstracts of all the results. Immediately after this, he makes out, in accordance with the determination of the commissioners, certificates of election for each of the persons receiving the highest number of votes for any county, corporation, or district office. On the fourth Monday in November, the board of state canvassers meets at the office of the secretary of the commonwealth to examine the whole number of votes cast in the state for each of the following officers, or for such of them as were voted for at the election; superintendent of public instruction, commissioner of agriculture and immigration, members of the General Assembly, representatives in Congress, and electors for president and vice president

of the United States. After the votes have been counted the secretary of the commonwealth sends to each of the persons who has been elected a certificate of election.

The election returns for the governor, lieutenant-governor, secretary of the commonwealth, state treasurer, and attorney-general are sent by the secretary of the commonwealth to the speaker of the House of Delegates, on the first day of the next session of the General Assembly held after the election. The speaker of the House of Delegates within a week after he receives the election returns opens them in the presence of a majority of the members of the General Assembly. The votes are then counted and the successful candidates are declared elected. The attorney-general receives his commission from the governor.

QUESTIONS

1. What is a characteristic right of free government?
2. In what right does the political power possessed by the people chiefly consist, and what is meant by this right?
3. What qualifications are required for an exercise of the right of suffrage?
4. What laws restrict the right of suffrage?
5. How often are voters registered?
6. Why are the same voting places used for all elections?
7. When are county, district, state, and Federal officers elected? When are town and city officers?
8. How are notices of special elections given?
9. What officers carry out the election laws?
10. Who compose the Board of State Canvassers, and what are the duties of this board?
11. How are county and city electoral boards appointed, and how long do the members serve?
12. When do these boards hold their annual meetings, and what are their duties?

13. What is meant by an election district or precinct?
14. Who are the precinct officers, and how are they appointed?
15. How long do they serve, and what are their duties?
16. When is the Board of Commissioners of Elections appointed, and what is its duty?
17. What is the object of registration?
18. What are the duties of the registrar?
19. How are election supplies obtained?
20. What boards have the ballots printed, and what names are put upon them?
21. How many ballots are put in a package for each precinct?
22. What officer keeps the package, and to whom does he deliver it a few days before an election?
23. When a president and a vice president of the United States are to be elected, what do the electoral boards have printed on the official ballots?
24. What are the voting places called, and how long are they kept open?
25. What does the law require to be provided at each voting place?
26. Tell what a voter has to do when he goes to the polls.
27. Explain what is meant by challenging.
28. Who counts the ballots?
29. If the number of votes cast in any election exceeds the number of enrolled voters, what is done? If any voter casts two ballots, what is done?
30. After the results have been determined at a precinct, what is done with the poll books and the ballots?
31. To what officer does the clerk send abstracts of all the election returns?
32. Who determine the results for county, corporation and district officers?
33. What election returns does the Board of State Canvassers examine?
34. What election returns are opened and counted before the General Assembly?
35. Who commissions the attorney-general?

CHAPTER X

POLITICAL PARTIES

Origin of Political Parties in the United States.— When the Constitution of 1787 was submitted to the states for ratification, those who favored it were called Federalists, and those who opposed it Anti-Federalists. This was the first real division of the people into political parties. The Federalists triumphed by securing the adoption of the Constitution; and no sooner had this been done than they began to advocate the formation of a strong national government by giving to the United States all the power that a loose construction of the language of the Constitution would allow. On the other hand, those who had opposed the adoption of the Constitution advocated the restriction of the powers of the Federal government strictly to the letter of the law as laid down in the Constitution. This line of division has run through our political history ever since we dissolved our allegiance with Great Britain.

Parties a Benefit.— Opposing parties are always found in countries where people take part in the government, and are free to think and act for themselves. It is well both for our state and our nation that people should divide upon questions of public interest, for this causes errors in the administration of affairs to be more closely watched and more speedily remedied.

Advantages of Organization.— The aim of every party is to secure the triumph of its principles, and this can be done only by the election of men to public offices who will carry them out. Hence arises the necessity for organization on the part of those who agree upon the more important issues which a party advocates, so that unity of action may be secured.

How a Party is Organized.— The organization of a party is usually effected through committees, which exercise authority over well-defined areas. The general interests of the party in the state are looked after by a state committee. Then there are city committees, county committees, etc. A perfectly organized party will even have a committee for each precinct.

Work done by Committees.— Each committee looks after the interests of the party in the area for which it was organized. Committees plan the campaign, call conventions to nominate candidates, arrange for primary elections, secure speakers, distribute campaign literature, and influence voters.

The Primary Meeting.— Local meetings held by the adherents of a political party for the purpose of appointing delegates to attend nominating conventions, are called primary meetings. In these meetings, as a rule, only persons who supported the party ticket at the last general election, or who indicate their purpose to support it at the next election, are allowed to vote.

The Primary Election.— The primary election is held to select delegates to a convention, or for the purpose of directly nominating candidates to be voted for. It is really a formal primary meeting, in which the elec-

tion is conducted in a manner prescribed by law. In Virginia, no person is allowed to vote at any legalized primary election, for the nomination of any candidate for office unless he is, at the time, registered and qualified to vote at the next general election.

Caucus.— Frequently before a primary meeting or primary election, the representatives of a political party hold a private meeting for the purpose of bringing about the nomination of some particular candidate. This is called a caucus. In legislative bodies also the members of the same political party often hold a caucus to devise plans to promote party interests.

Nominating Candidates.— Candidates to represent a party are usually selected by conventions, which are representative bodies made up of delegates chosen in primary meetings. Candidates for state offices are nominated by a state convention, candidates for the state Senate by conventions held in the senatorial districts, candidates for the House of Delegates by conventions held in the representative districts, candidates for the county offices by a county convention, candidates for the House of Representatives of the United States by conventions held in the congressional districts.

The Unit Rule.— Sometimes the delegates to a convention are instructed to vote together in making nominations. This is called the unit rule. At other times they are left free, each one to vote as he deems best.

The National Convention.— Once in four years each of the great parties holds a convention to nominate candidates for president and vice president. This is composed of delegates from all the states, each state being

allowed to send two delegates for each congressional district and four for the whole state, called delegates at large.

Party Platforms.— Each political party, when it makes nominations for president and vice president, publishes a declaration of its principles. This is called a platform. The state convention usually adopts the national platform as its own, with such additions as local interests seem to demand.

QUESTIONS

1. Who were the Federalists, and the Anti-Federalists?
2. After the Constitution of the United States had been adopted, what did the Federalists begin to advocate?
3. What did those who had opposed the adoption of the Constitution hold?
4. Where are opposing parties always found?
5. Why are political parties a benefit?
6. What is the aim of every party, and how can it be best attained?
7. Why is organization necessary?
8. How is a party organized? Name some of the usual committees.
9. What work is done by committees?
10. What is a primary meeting?
11. In such meetings, what persons usually vote?
12. What is a primary election?
13. Who is allowed to vote at legalized primary elections in Virginia?
14. What is a caucus?
15. How are candidates usually selected?
16. What is the unit rule?
17. How often does each great political party hold a convention to nominate candidates for president and vice president of the United States?
18. How many delegates is each state allowed to send to such conventions?
19. What are party platforms?
20. What platform does a state convention usually adopt?

CHAPTER XI

TAXATION

What are Taxes? — The feature of government that is most familiar to all the citizens is its power to levy taxes. Indeed, this may be called its most characteristic feature; for if, in any country, there is doubt as to the ruling power, we have only to find out the person or persons whom the people recognize as having authority to tax them, and we at once know the government they recognize. What, then, are taxes? Every government takes from its citizens a part of their private property to pay for the benefits it confers upon them. This is taxation, so that a tax may be defined as a sum of money taken from a citizen for public uses.

Reasons for Taxes.— The government does many things for the welfare of its citizens which benefit one as much as another. The different state, county, town, and city officers must be paid for their services. Public buildings must be erected, salaries paid to school-teachers, roads kept in good order, and many other things done for the public good. All must be paid for, and it is the duty of the government to raise money from the people to pay for such objects.

What is Taxed.— Taxes are assessed on persons, on property, and on privileges. A tax on persons is called a capitation, or poll tax, and is placed only on male inhabit-

ants over twenty-one years of age. Real estate and the buildings on it are taxed, and so is personal property. All ready money, most stocks and bonds, money due to persons, agricultural implements, mechanics' tools, furniture, pictures, books, etc., are classed as personal property. Thus this kind of property includes almost all a person can own except real estate. Taxes on privileges are those charged for granting to persons and to corporations the right to carry on certain kinds of business. Such taxes as these are called license or franchise taxes. For example, every express company, merchant, and book agent has to pay a privilege or license tax. The government derives some revenue from fines and from taxing incomes that exceed six hundred dollars.

Principle of Taxation.— Whenever property is taxed, whether it is done by state, county, or municipal authorities, the law requires that taxes shall be uniform upon the same class of subjects, within the territorial limits of the authority imposing them. The separation of property into classes for purposes of taxation is left with the Legislature. Another principle recognized by the constitution is that property should not be subject to double taxation. In applying this principle the constitution states that whenever a franchise tax has been imposed upon a corporation doing business in the State, or whenever all the capital, however invested, of a corporation chartered under the laws of the State has been taxed, then the shares of stock issued by that corporation shall not be further taxed.

This is just, for all the capital of the corporation having been taxed, then to tax its shares of stock, which are

merely evidences of ownership in such a corporation is double taxation, which is an evil that should be avoided.

Property exempt from Taxation.— Some property is for reasons of public policy exempt from taxation, such as public property belonging to the state and to the United States; property belonging to a county, city, or town, when used exclusively for county, city, town, or public school purposes; church buildings used wholly for religious purposes and buildings used as residences for ministers; property belonging to public libraries and institutions of learning not conducted for profit, when such property is used wholly for educational purposes, and also the permanent endowment funds of such institutions; real estate belonging to Young Men's Christian Associations, orphan asylums, reformatories, hospitals and nunneries, which are not conducted for profit; buildings with the land they occupy belonging to charitable and benevolent associations, when used exclusively for lodge purposes or meeting rooms; private burying grounds when not larger than one acre, and public burying grounds, not conducted for profit; property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, the Mount Vernon Ladies' Association of the Union and the Virginia Historical Society.

Objects for which Taxes are assessed.— 1. The chief objects for which the state raises money are to pay the salaries of the state officers and of members of the General Assembly; to support benevolent, charitable, and literary institutions; to carry on works of internal improvement; to support the public school system; and to

provide for paying the interest and the principal of the state debt. 2. The main objects for which counties levy taxes are to pay county officers, to maintain jails and poorhouses, to build roads and bridges, to raise money for county school purposes, and to pay general county expenses. 3. Towns and cities lay taxes on the people for various objects such as to erect public buildings, waterworks, and gasworks, to build schoolhouses, to lay streets, etc.

The Assessment of Taxes.— From the land books and the personal property books, prepared by the commissioners of the revenue, the total valuation of the taxable property of each county and corporation can be readily ascertained. At the present time (1904), the state tax [1] upon all real and personal property is twenty cents upon every hundred dollars of assessed value for the support of the government, and ten cents upon every hundred dollars of assessed value for the state public school fund. The levies for county needs and for county school purposes are made by the boards of supervisors. The state and county taxes being known, it is easy to ascertain the total rate of taxation for the different counties and corporations, and the taxes of each person can then be correctly assessed from the valuation of his property. The school taxes are kept separate from the other taxes. The constitution states that no greater amount of tax shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the existing indebtedness of the state.

[1] The rates of taxation given above are fixed by the Constitution till 1907. After that time, the tax rates will be prescribed by the legislature.

QUESTIONS

1. Why may taxation be called the most characteristic feature of government?
2. What are taxes?
3. Why has government a right to levy taxes?
4. What are poll taxes?
5. What kinds of property are taxed?
6. What are taxes on privileges?
7. What principles are adopted in regard to taxation?
8. What property is exempt from taxation?
9. What are the chief objects for which the state levies taxes?
10. For what purposes do counties, towns, and cities levy taxes?
11. How is the valuation of the taxable property of each county and corporation ascertained?
12. What is the present state tax for the support of the government? What for public schools?
13. How are the levies for county needs and for county school purposes made?
14. The rate of taxation being known, how are each citizen's taxes assessed?
15. How does the constitution restrict taxation?

CHAPTER XII

THE GOVERNMENT OF VIRGINIA IN OUTLINE

Virginia, the First Constitutional Government in America.— A government carried on under a constitution is called a constitutional government. To Virginia belongs the honor of being the first constitutional government in America. On June 29, 1776, before the Declaration of Independence was made, she declared herself to be an independent commonwealth, and adopted a constitution. The famous Bill of Rights, contained in this early constitution, may well be called the Magna Charta of American liberties. This constitution was revised in 1829, in 1850, in 1869, and in 1902. The present constitution contains a preamble, fifteen articles, and a schedule.

Article I.— This article, consisting of seventeen sections, makes a formal declaration of rights, belonging to the people of Virginia and to their posterity, upon which the government is based. From it are taken the following extracts, which express so well the foundation of republican freedom that nothing can be added to them.

"All men are by nature equally free and independent, and have certain inherent rights, of which when they enter into a state of society they cannot by any compact deprive or divest their posterity,— namely, the enjoyment

of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." "All power is vested in, and consequently derived from, the people." "No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary." "The freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty." "No free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, and virtue, and by a frequent recurrence to fundamental principles." "Religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience."

Article II.— This article contains twenty-one sections, which treat of the qualifications citizens must possess in order to be entitled to exercise the right of suffrage, and of qualifications for office. It gives also the oath all officers must take before entering upon their duties.

Article III.— This article has but one section, which directs that the government shall be divided into three departments,— the legislative, the executive, and the judicial,— and that these shall be kept separate.

Article IV.—This article has twenty-nine sections. It describes the legislative department of the government, declaring that it "shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates." It then gives the requisite qualifications of senators and delegates, and defines the powers and duties of the General Assembly.

Article V.— This article comprises eighteen sections, which are on the executive department. It declares that the chief executive authority shall be vested in a governor, and that the other executive officers shall be a lieutenant governor, a secretary of the commonwealth, a treasurer, and an auditor. It further tells how these officers are to be elected, and defines their duties in a general way. It also gives the General Assembly power to establish a Bureau of Labor and Statistics.

Article VI.— This article consists of twenty-three sections. It treats of the judicial department of the government, which it vests in a supreme court of appeals, circuit courts, and city courts.

Article VII.— This article has six sections, and it gives the county organizations, telling what officers are to administer county affairs, and explaining the method by which they are to be elected.

Article VIII.— This article has thirteen sections. It makes provision for the government of cities and towns, enumerates their officers, and states the method by which they are to be elected.

Article IX.— This article has fourteen sections. It deals with the subject of education, and makes provision

for the support and administration of the public free school system.

Article X.— This article has four sections and it treats of the department of Agriculture and Immigration.

Article XI.— This article has six sections and it provides for public institutions and prisons.

Article XII.—This article has fifteen sections, and it deals with the subject of corporations. It makes provision for a permanent Corporation Commission to consist of three members. This commission grants charters to corporations and exercises general supervision over them.

Article XIII.—This article has twenty-two sections and is on taxation and finance.

Article XIV.— This article has six sections, and it is devoted to miscellaneous subjects. It provides that every householder or head of a family can hold a homestead valued at two thousand dollars free from seizure on account of any debts, except those for the purchase price of the property, for the services of a laboring man or a mechanic, for taxes, for the legal or taxable fees of a public officer, for liabilities incurred as a public officer, as an officer of a court, or as a fiduciary, and for rent for the property or for mortgages on it. It also guarantees to the children of former slaves the right to inherit property from their fathers.

Article XV.— This article which has but two sections tells how future changes can be made in the constitution.

1. For amendments, the following method is adopted: Any amendment to the constitution may be proposed in the Senate or House of Delegates, and if agreed to by

a majority of the members elected to each house, it is to be referred to the General Assembly, to be chosen at the next general election of senators and members of the House of Delegates. Before this election, the proposed amendment must be published for three months. If agreed to by a majority of all the members elected to the General Assembly to which it is referred, it is submitted after this to the qualified voters, and, if ratified by them, the question "Shall there be a convention to revise the

2. For its own revision, the Constitution provides that the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to the qualified voters of the state, whenever the General Assembly decides, by a recorded vote of a majority of the members elected to each House, that this shall be done. Then if a majority of the voters are in favor of a convention, the General Assembly shall at its next session provide by law for the election of delegates to such convention.

QUESTIONS

1. What is a constitutional government?
2. What honor belongs to Virginia?
3. At what time did she declare herself to be an independent commonwealth?
4. What may her Bill of Rights be called?
5. How many times has Virginia's constitution been revised?
6. What does the introduction contain?
7. What declaration is made in the first part of the constitution?
8. Mention some of the rights upon which republican freedom is founded.

9. Into what three departments does the constitution require the government to be divided?
10. In what officers is the executive power chiefly vested?
11. In what is the legislative department vested?
12. What courts compose the judicial department?
13. Does the constitution provide for county organization?
14. Does it make provisions for the public school system?
15. What property is every householder allowed to retain free from seizure for debt?
16. What right is guaranteed by the constitution to the children of former slaves?
17. How can amendments to the constitution be made?

CHAPTER XIII

RELATIONS OF THE STATE AND THE NATION

The State and the Nation.— Each state is independent in its own sphere of action, but is subordinate to the national government. The supreme law for the whole country is to be found in the Constitution, in the laws, and in the treaties of the United States. No state has power to annul these. The Civil War settled the much-disputed question of the relations of the state and the nation, and the decision was in favor of the supremacy of the nation.

Each State takes Part in the National Government. — Each state, as a constituent member of the Union, takes part in carrying on the national government. The people of each elect members to the national House of Representatives, the legislature of each elects national senators, and each state appoints its share of the electors of the president and vice president.

The National House of Representatives.— Representatives of the national House are apportioned by Congress among the states in proportion to population, once in ten years, and for their election the law directs that each state shall be divided into districts, contiguous in territory, and as nearly equal in inhabitants as possible. The boundaries of these districts are fixed by the state legislature, and each district chooses one representative.

The last apportionment of representatives was made in 1890, and it gave Virginia ten. Elections of representatives are held every two years in all the states on Tuesday after the first Monday in November, these elections occurring in 1896, 1898, etc. If a vacancy occurs in the office of representative, a special election is ordered by the governor to fill it.

United States Senators.— In the Senate of the United States, all the states are equal in power. Each is entitled to two members, who are elected by the legislature and serve for a term of six years.

Presidential Electors.— The president and vice president are elected by electors chosen by the states. Each state has as many of these as it has senators and representatives in Congress, and so Virginia is entitled to twelve. The method of selecting presidential electors is fixed by each state, but at the present time they are chosen in all the states by popular vote. By a law of Congress all presidential electors are elected on Tuesday after the first Monday in November, the elections occurring at intervals of four years, 1896, 1900, etc.

Method of holding National Elections.— National elections are conducted by the state officers, and upon the same method as the state prescribes for holding its own elections. The qualifications of voters are also the same as those prescribed for state elections.

The State Militia.— The Constitution of the United States gives Congress authority to organize, arm, and discipline the state militia, and to direct its movements when employed in the national service for executing the

laws of the Union, for suppressing insurrections, and for repelling invasion.

Reciprocal Duties of the State and the Nation.— The state and the nation should faithfully discharge the duties that one owes to the other. The state should elect senators, representatives, and presidential electors, and cordially coöperate with the nation in all efforts made to secure good government. The nation should, on its part, give to all the states alike adequate protection. The Constitution of the United States requires the nation to guarantee to every state in the Union a republican form of government, and to protect each one of them against invasion and against domestic violence also, when called on by the state authorities to do so.

Powers of Government delegated.— The states, in forming the nation, delegated some powers to the national government, the chief ones being the powers to coin money, to carry on a mail service, to make tariff laws, to grant patents and copyrights, to declare war, and to support a navy. Such powers as these belong to the national government.

QUESTIONS

1. In what sphere is a state independent, and to what is it subordinate?
2. What disputed question did the Civil War settle, and what was the decision reached?
3. How do the people in each state take part in the national government?
4. In what way are members of the national House of Representatives apportioned among the states?
5. What does the law direct in regard to districts?
6. How are the boundaries of districts fixed, and how many representatives are chosen from each district?

7. How many representatives has Virginia, and when are they elected?
8. How many members is each state entitled to have in the United States Senate?
9. How are the president and the vice president elected?
10. How many presidential electors has each state?
11. What is the method of electing the presidential electors?
12. At what time do these elections occur, and at what intervals?
13. What is the method of holding national elections?
14. What authority has Congress in regard to the state militia?
15. What are the reciprocal duties of the state and of the nation?
16. What powers are delegated by the states to the nation?

APPENDIX

GOVERNMENT OF STATE INSTITUTIONS

Virginia is well supplied with educational, humane, and penal institutions, as the following list will show:—

The University of Virginia, Charlottesville.—Governing authority, a board of nine visitors, appointed by the governor with the consent of the Senate; they hold office for four years, but do not all go out at the same time. They elect one of their number rector.

The Virginia Military Institute, Lexington.—Governing authority, a board of eleven visitors, nine of whom are appointed by the governor subject to confirmation by the Senate; they hold office for three years, but do not all go out at the same time. The adjutant general and the superintendent of public instruction are the other members of the board.

Virginia Polytechnic Institute.—Governing authority, a board of ten visitors, eight of whom are appointed by the governor with the advice and consent of the Senate; they hold office for four years, but do not all go out at the same time. The superintendent of public instruction and the president of the board of agriculture and immigration are *ex officio* members of the board.

College of William and Mary and State Normal School, Williamsburg.—Governing authority, ten visitors provided for in the charter of William and Mary College, who fill all vacancies in their number, and ten additional and associate visitors appointed by the governor who fill any vacancies among the associate visitors. The ten visitors and the ten associate visitors constitute the board of visitors.

The State Female Normal School, Farmville.—Governing authority, a board of fourteen trustees. The superintendent of public instruction is *ex officio* a member of the board. Vacancies in the board are filled by the governor.

The Virginia School for the Deaf and the Blind, Staunton.—Governing authority, a board of seven visitors appointed by the governor subject to confirmation by the Senate; they hold office for three years, but do not all go out at one time.

The Miller Manual Labor School of Albemarle.—The gov-

ernor, the attorney general, the superintendent of public instruction, and the second auditor constitute the board of trust of the Miller Fund, which endows the school. The school is managed and controlled through the agency of the circuit court of Albemarle.

The Hampton Normal and Agricultural Institute.—Governing authority, a board of trustees, never less than nine nor more than seventeen. The board fills its own vacancies. This school is for the benefit of colored persons and Indians of both sexes.

The Virginia Normal and Industrial Institute, Petersburg.—Governing authority, a board of four visitors, appointed by the governor with the consent of the Senate; they hold office for four years. The superintendent of public instruction is also a member of the board. This institution is designed for the higher education of colored youth.

Humane Institutions.—Virginia has four institutions where patients suffering from mental derangement are cared for and skillfully treated: the Western State Hospital, Staunton; the Eastern State Hospital, Williamsburg; the Southwestern State Hospital, Marion; and the Central State Hospital, Petersburg (for colored patients). Each of these institutions is governed by a special board of three directors, appointed by the governor. All the special boards constitute a general board, which has general control over all the hospitals.

Almshouses.—Every county and corporation is required to make provision for the needy. The county poorhouse is generally on a farm furnished by the county.

Penal Institutions.—The penitentiary at Richmond is under the care of a superintendent and a board of directors. The superintendent is appointed by the board of directors, and the directors are appointed by the governor. Every county has a jail, and so have all cities and large towns. The county jails are under the control of the sheriffs, and those in cities and towns under the care of sergeants.

The Laurel Industrial School.—This institution was opened in 1890 by the Prison Association of Virginia. Insubordinate and bad white boys are received at this school, and are thus saved from the degradation of prison life. The purpose of the school is to reform and educate those committed to its care, and to help them to become intelligent, honest, and industrious citizens of the commonwealth.

JUDICIAL CIRCUITS

Virginia is divided into twenty-four judicial circuits, as follows:

First Circuit.— The counties of Norfolk, Princess Anne, and the city of Portsmouth.

Second Circuit.— The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk.

Third Circuit.— The counties of Prince George, Surry, Sussex, Greensville, and Brunswick.

Fourth Circuit.— The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg.

Fifth Circuit.— The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte.

Sixth Circuit.— The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg.

Seventh Circuit.— The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of Danville.

Eighth Circuit.— The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland.

Ninth Circuit.— The counties of Rappahannock, Culpeper, Madison, Greene, Orange, and Louisa.

Tenth Circuit.— The county of Henrico and the city of Richmond.

Eleventh Circuit.— The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News.

Twelfth Circuit.— The counties of Richmond, Northumberland, Westmoreland, Lancaster, and Essex.

Thirteenth Circuit.— The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex.

Fourteenth Circuit.— The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg.

Fifteenth Circuit.— The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover.

Sixteenth Circuit.— The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria.

Seventeenth Circuit.— The counties of Frederick, Clarke, Warren, Shenandoah, and Page.

Eighteenth Circuit.— The counties of Rockingham, Augusta, and Rockbridge.

Nineteenth Circuit.— The counties of Highland, Bath, Alleghany, Craig, and Botetourt.

Twentieth Circuit.— The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke.

Twenty-first Circuit.— The counties of Pulaski, Carroll, Wythe, and Grayson.

Twenty-second Circuit.— The counties of Bland, Tazewell, Giles, and Buchanan.

Twenty-third Circuit.— The counties of Washington, Russell, and Smyth.

Twenty-fourth Circuit.— The counties of Scott, Lee, Wise, and Dickenson.

CONSTITUTION OF VIRGINIA, 1901–2

Whereas, pursuant to an act of the General Assembly of Virginia, approved March the fifth, in the year of our Lord nineteen hundred, the question, "shall there be a convention to revise the Constitution and amend the same?" was submitted to the electors of the State of Virginia, qualified to vote for members of the General Assembly, at an election held throughout the State on the fourth Thursday in May, in the year nineteen hundred, at which election a majority of the electors so qualified voting at said election did decide in favor of a convention for such purpose; and,

Whereas, the General Assembly at its next session did provide by law for the election of delegates to such convention, in pursuance whereof the members of this Convention were elected by the good people of Virginia, to meet in convention for such purpose.

We, therefore, the people of Virginia, so assembled in Convention through our representatives, with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberations, do ordain and establish the following revised and amended Constitution for the government of the Commonwealth:

ARTICLE I.

BILL OF RIGHTS.

A DECLARATION OF RIGHTS, made by the representatives of the good people of Virginia assembled in full and free Convention; which rights do pertain to them and their posterity, as the Basis and Foundation of Government.

SECTION 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when

they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

SEC. 3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

SEC. 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

SEC. 5. That the legislative, executive, and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating in the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

SEC. 6. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

SEC. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 8. That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offence, but an appeal may be allowed to the Commonwealth in all prosecutions for the violation of a law relating to the state revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

SEC. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or per-

sons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

SEC. 11. That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

SEC. 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

SEC. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace should be avoided as dangerous to liberty; and that in in cases now cognizable by justices of the peace, or to not and governed by, the civil power.

SEC. 14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

SEC. 15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

SEC. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

SEC. 17. The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

SEC. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his state poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

SEC. 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section Eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any state of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the

circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

SEC. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own hand-writing, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

SEC. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all state poll taxes assessed or

assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any state of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the state poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

SEC. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

SEC. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

SEC. 25. The General Assembly shall provide for the an-

nual registration of voters under section Twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all voters registered under this Constitution.

SEC. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

SEC. 27. All elections by the people shall be by ballot; all elections by any representative body shall be *viva voce,* and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

SEC. 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all state, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

SEC. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness, and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

SEC. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town, such action, if taken, to be had

upon the initiative of a representative in the General Assembly of the county, city or town affected: provided, that the General Assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

SEC. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States Government, or who is in the mployment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

SEC. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

SEC. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue

to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

SEC. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ————, according to the best of my ability; so help me God."

SEC. 35. No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

SEC. 36. The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offences, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

SEC. 37. The General Assembly may provide for the use, throughout the State or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: provided, that the secrecy of the voting be not thereby impaired.

SEC. 38. After the first day of January, nineteen hundred and four, the treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the state poll taxes required by this Constitution during the three years next preceding that in which such election is held;

which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting-places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote may be prescribed by law.

ARTICLE III

DIVISION OF POWERS

SEC. 39. Except as hereinafter provided, the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

ARTICLE IV

LEGISLATIVE DEPARTMENT

SEC. 40. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

SEC. 41. The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts, on the Tuesday succeeding the first Monday in November.

SEC. 42. The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected biennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

SEC. 43. The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a re-apportionment may be made in the year nineteen hundred and six, and shall be made in the year nineteen hundred and twelve, and every tenth year thereafter.

SEC. 44. Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the state government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer,

assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him; and no person holding any office or post of profit or emolument under the United States Government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

SEC. 45. The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by election by the people.

SEC. 46. The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed a salary for not exceeding sixty days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

SEC. 47. The House of Delegates shall choose its own speaker; and, in the absence of the Lieutenant-Governor, or

when he shall exercise the office of Governor, the Senate shall choose from their own body a president *pro tempore.* Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

SEC. 48. Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

SEC. 49. Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

SEC. 50. No law shall be enacted except by bill. A bill may originate in either house, to be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been,

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house, in which it originated, prior to its passage therein;

(c) Read at length on three different calendar days in each house; and unless,

(d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

And only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported; provided that the printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, the names of the members voting for and against, entered on the journal; and provided further, that no bill which creates, or establishes a new office, or which creates, continues, or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax and no law shall be construed as so stating such tax, which requires a reference to any other law or any other tax. The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

SEC. 51. There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates, and five members appointed by the Senate, which shall be a standing committee on special, private, and local legislation. Before reference to a committee, as provided by section Fifty, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon, the bill, with the accompanying

statement, shall take the course provided by section Fifty. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section Fifty for the discharge of other committees.

SEC. 52. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

SEC. 53. No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill), the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

SEC. 54. The Governor, Lieutenant-Governor, Attorney-General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate which shall have the sole power to try impeachment. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

SEC. 55. The General Assembly shall by law apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts

shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants.

SEC. 56. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

SEC. 57. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section Twenty-three, of Article Two, of this Constitution, with reference to duelling.

SEC. 58. The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

SEC. 59. The General Assembly shall not grant a charter of

incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

SEC. 60. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

SEC. 61. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

SEC. 62. The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

SEC. 63. The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction. The General Assembly may regulate the exercise by courts of the right to punish for contempt. The General Assembly shall not enact any local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before, the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.

8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.

9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.

10. Granting from the treasury of the State, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.

11. For conducting elections or designating the places of voting.

12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.

13. Granting any pension or pensions.

14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.

15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.

16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.

17. Creating private corporations, or amending, renewing, or extending the charters thereof.

18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.

19. Naming or changing the name of any private corporation or association.

20. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

SEC. 64. In all the cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of the enactment of a special, private, or local law.

No general or special law shall surrender or suspend the right and power of the State, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by Article Thirteen. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association, or individual.

SEC. 65. The General Assembly may, by general laws, confer upon the boards of supervisors of counties, and the councils of cities and towns, such powers of local and special legislation, as it may from time to time deem expedient, not inconsistent with the limitations contained in this Constitution.

SEC. 66. The Clerk of the House of Delegates shall be Keeper of the Rolls of the State but shall receive no compensation from the State for his services as such.

The General Assembly by general law shall prescribe the number of employees of the Senate and House of Delegates, including the clerks thereof, and fix their compensation at a *per diem* for the time actually employed in the discharge of their duties.

SEC. 67. The General Assembly shall not make any appropriation of public funds, of personal property, or of any real estate, to any church, or sectarian society, association, or institution of any kind whatever, which is entirely or partly, directly or indirectly, controlled by any church or sectarian society; nor shall the General Assembly make any like appropriation to any charitable institution, which is not owned or controlled by the State; except that it may, in its discretion, make appropriations to non-sectarian institutions for the reform of youthful criminals; but nothing herein contained shall prohibit the General Assembly from authorizing counties, cities, or towns to make such appropriations to any charitable institution or association.

SEC. 68. The General Assembly shall, at each regular session, appoint a standing committee, consisting of two members of the Senate and three members of the House of Delegates, which shall be known as the Auditing Committee. Such committee shall annually, or oftener in its discretion, *examine the* books and accounts of the First Auditor, the

State Treasurer, the Secretary of the Commonwealth, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the state revenue, report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. The Governor shall, at the beginning of each session, submit said reports to the General Assembly for appropriate action. The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and employ one or more accountants to assist in its investigations.

ARTICLE V

EXECUTIVE DEPARTMENT

SEC. 69. The chief executive power of the State shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of February next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

SEC. 70. The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of a majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

SEC. 71. No person except a citizen of the United States shall be eligible to the office of Governor; and if such person

be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

SEC. 72. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

SEC. 73. The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant-Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed; and the Governor shall have power, during the recess of the General Assembly, to appoint, *pro tempore,* successors to all officers so suspended, and to fill, *pro tempore,* vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases, and under such rules and regulations, as may be prescribed by *law, and* except when the prosecution has been carried on by

the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

SEC. 74. The Governor may require information in writing, under oath, from the officers of the executive department and superintendents of state institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney-General upon any question of law affecting the official duties of the Governor.

SEC. 75. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

SEC. 76. Every bill, which shall have passed the Senate and House of Delegates, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the Gen-

eral Assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto: provided, that if after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendations in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal of each house. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise.

SEC. 77. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

SEC. 78. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

SEC. 79. The Lieutenant-Governor shall be president of the Senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation

equal to that allowed to the Speaker of the House of Delegates.

SEC. 80. A Secretary of the Commonwealth shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained as in the case of the Governor. He shall keep a daily record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary, and, when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly. He shall discharge such other duties as may be prescribed by law. All fees received by the Secretary of the Commonwealth shall be paid into the treasury monthly.

SEC. 81. A State Treasurer shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. His powers and duties shall be prescribed by law.

SEC. 82. An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

SEC. 83. The salary of each officer of the Executive Department, except in those cases where the salary is determined by this Constitution, shall be fixed by law; and the salary of no such officer shall be increased or diminished during the term for which he shall have been elected or appointed.

SEC. 84. The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.

SEC. 85. All state officers, and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

SEC. 86. The General Assembly shall have power to establish and maintain a Bureau of Labor and Statistics, under such regulations as may be prescribed by law.

ARTICLE VI

JUDICIARY DEPARTMENT

SEC. 87. The Judiciary Department shall consist of a Supreme Court of Appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

SEC. 88. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of *habeas corpus, mandamus,* and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the state revenue. No bond shall be required of any accused person as a condition of appeal, but a *supersedeas* bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appoint-

ment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county, or municipal corporation, to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of *habeas corpus, mandamus,* and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.

SEC. 89. The General Assembly may, from time to time, provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of either of said courts, or of any of the judges of said courts together with one or more of the judges of the Supreme Court of Appeals.

SEC. 90. When a judgment or decree is reversed or af-

firmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

SEC. 91. The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other state for five years. At the first election under this Constitution, the General Assembly shall elect the judges for terms of four, six, eight, ten, and twelve years respectively; and thereafter they shall be elected for terms of twelve years.

SEC. 92. The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

SEC. 93. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

SEC. 94. The State shall be divided into twenty-four judicial circuits, as follows:

The counties of Norfolk, Princess Anne, and the city of Portsmouth, shall constitute the first circuit.

The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk, shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greensville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg, shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte, shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg, shall constitute the sixth circuit.

The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of Dansville, shall constitute the seventh circuit.

The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland, shall constitute the eighth circuit.

The counties of Rappahannock, Culpeper, Madison, Greene, *Orange,* and Louisa, shall constitute the ninth circuit.

The county of Henrico and the city of Richmond, shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News, shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster, and Essex, shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex, shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg, shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover, shall constitute the fifteenth circuit.

The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria, shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren, Shenandoah, and Page, shall constitute the seventeenth circuit.

The counties of Rockingham, Augusta, and Rockbridge, shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig, and Botetourt, shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke, shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe, and Grayson, shall constitute the twenty-first circuit.

The counties of Bland, Tazewell, Giles, and Buchanan, shall constitute the twenty-second circuit.

The counties of Washington, Russell, and Smyth, shall constitute the twenty-third circuit.

The counties of Scott, Lee, Wise, and Dickenson, shall constitute the twenty-fourth circuit.

SEC. 95. After the first day of January, nineteen hundred and six, as the public interest requires, the General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of

inhabitants in any existing circuit below forty thousand according to such census.

SEC. 96. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively; and thereafter they shall be elected for terms of eight years.

SEC. 97. The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

SEC. 98. For the purposes of a judicial system, the cities of the State shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court existing, at the time this Constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified electors of such city, at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days *consecutively*, such court shall thereby cease to exist. In

case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law; and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions at law and suits in equity.

SEC. 99. For each city court of record a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.

SEC. 100. The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the State, or any part thereof.

SEC. 101. The General Assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law, in the matter of the admission of wills to probate, and of the appointment and qualification of

guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

SEC. 102. All the judges shall be commissioned by the Governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by this Constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

SEC. 103. The salaries of the judges of the Supreme Court of Appeals shall be not less than four thousand dollars per annum, and shall be paid by the State.

The salary of the judge of each circuit court shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the counties and cities composing the circuit, according to their respective population; except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond. The salary of a judge of a city court in a city of the first class shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the city. The whole of the aforesaid salaries of said judges shall be paid out of the state treasury, the State to be reimbursed by the respective counties and cities. Any city may, by an ordinance, increase the salaries of its city or circuit judges, or any one or more of them as it may deem proper, and the increase shall be paid wholly by the city, but shall not be enlarged or diminished during the term of office of the judge. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

SEC. 104. Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against *whom the* General Assembly may be about to proceed shall

have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

SEC. 105. No judge of the Supreme Court of Appeals, of the circuit court, or of any city court of record shall practice law, within or without this State, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

SEC. 106. Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

SEC. 107. An Attorney-General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

SEC. 108. The General Assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.

SEC. 109. The General Assembly shall provide by whom, and in what manner, applications for bail shall be heard and determined.

ARTICLE VII

ORGANIZATION AND GOVERNMENT OF COUNTIES

SEC. 110. There shall be elected by the qualified voters of each county, one county treasurer, who shall not be elected or serve for more than two consecutive terms, nor act as deputy of his immediate successor; one sheriff, one attorney for the Commonwealth, and one county clerk, who shall be the clerk of the circuit court. There shall be elected or appointed, for four years, as the General Assembly may provide,

commissioners of the revenue, for each county, the number, duties and compensation of whom shall be prescribed by law; but should such commissioners of the revenue be chosen by election by the people then they shall be ineligible for re-election to the office for the next succeeding term.

There shall be appointed, for each county, in such manner as may be provided by law, one superintendent of the poor, and one county surveyor.

SEC. 111. The magisterial districts shall, until changed by law, remain as now constituted: provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

SEC. 112. All regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and all of said officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years; provided that the term of the clerks first elected under this Constitution shall begin on the first of February, nineteen hundred and four, and end on the first of January, nineteen hundred and twelve.

SEC. 113. No person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

SEC. 114. Counties shall not be made responsible for the acts of the sheriffs.

SEC. 115. The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

ARTICLE VIII

ORGANIZATION AND GOVERNMENT OF CITIES AND TOWNS

SEC. 116. As used in this article the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated communities, having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

SEC. 117. General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in Article Four of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of this Constitution a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly: provided, that every such charter is hereby amended so as to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

SEC. 118. In each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said court, who shall perform such other duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so

long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

SEC. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth, for such circuit court.

In every city there shall be elected, or appointed, for a term of four years, in a manner to be provided by law, one commissioner of revenue, whose duties and compensation shall be prescribed by law; but should he be elected by the people, he shall be ineligible for re-election to the office for the next succeeding term.

SEC. 120. In every city there shall be elected by the qualified voters thereof one city treasurer, for a term of four years, but he shall not be eligible for more than two consecutive terms, nor act as deputy for his immediate successor; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and, a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities and towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be *specified in* the order of suspension or removal; but no such

removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officers so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, whose decision shall be final. He shall have all other powers and duties which may be conferred and imposed upon him by general laws.

SEC. 121. There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but in cities of under ten thousand population the General Assembly may permit the council to consist of one branch. No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment. The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries, of the wards thereof, and shall, in the year nineteen hundred and three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, re-apportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a *mandamus* shall lie on behalf of any citizen thereof to compel its performance.

SEC. 122. The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidently with that of the judges of said courts: provided, that

the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

SEC. 123. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it, but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it. If after such consideration two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within *said* five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in this section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes or authorizing the borrowing of money.

SEC. 124. No street railway, gas, water, steam, or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge, company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

SEC. 125. The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No fran-

chise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restriction now required in relation thereto in any existing municipal charter.

SEC. 126. The General Assembly shall provide by general laws for the extension and the contraction, from time to time, of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

SEC. 127. No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes: *provided, however*, that nothing above contained in this sec-

tion shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section: and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year; provided that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year;

(b) Bonds authorized by an ordinance enacted in accordance with section One Hundred and Twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

SEC. 128. In cities and towns the assessment of real estate and personal property for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of state taxation, whenever there shall be a state assessment of such property.

ARTICLE IX

EDUCATION AND PUBLIC INSTRUCTION

SEC. 129. The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

SEC. 130. The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney-General, Superintendent of Public Instruction, and three experienced educators to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary, so long as the State continue its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board.

SEC. 131. The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be *ex-officio* president; and his compensation shall be fixed by law.

SEC. 132. The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirma-

tion of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

SEC. 133. Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law.

SEC. 134. The General Assembly shall set apart as a permanent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate.

SEC. 135. The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the state treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and

grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment: but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects state taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of state revenue to the support of the schools not less than that provided in this section.

SEC. 136. Each county, city, town if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require: provided, that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities, and towns if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

SEC. 137. The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

SEC. 138. The General Assembly may, in its discretion, provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees.

SEC. 139. Provision shall be made to supply children attending the public schools with necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

SEC. 140. White and colored children shall not be taught in *the same* school.

SEC. 141. No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

SEC. 142. Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years.

ARTICLE X

AGRICULTURE AND IMMIGRATION.

SEC. 143. There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capital of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be *ex-officio* a member of the board: provided, that members of the board first appointed under this Constitution from the congressional districts bearing odd numbers shall hold office for two years.

SEC. 144. The powers and duties of the board shall be prescribed by law: provided, that it shall have power to elect and

remove its officers, and establish elsewhere in the State subordinate branches of said department.

SEC. 145. There shall be a Commissioner of Agriculture and Immigration, whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and whose powers and duties shall be prescribed by the Board of Agriculture and Immigration until otherwise provided by law.

SEC. 146. The president of the Board of Agriculture and Immigration shall be *ex-officio* a member of the Board of Visitors of the Virginia Polytechnic Institute.

ARTICLE XI

PUBLIC INSTITUTIONS AND PRISONS

SEC. 147. There shall be a state penitentiary, with such branch prisons and prison farms as may be provided by law.

SEC. 148. There shall be appointed by the Governor, subject to confirmation by the Senate, a board of five directors which, subject to such regulations and requirements as may be prescribed by law, shall have the government and control of the penitentiary, branch prisons, and prison farms, and shall appoint the superintendents and surgeons thereof. The respective superintendents shall appoint, and may remove, all other officers and employees of the penitentiary, branch prisons, and prison farms, subject to the approval of the board of directors. The superintendents and surgeons shall be appointed for a term of four years, and be removable by the board of directors for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively; and thereafter, upon the expiration of the term of a director, his successor shall be appointed for a term of five years.

SEC. 149. For each state hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the Governor, subject to confirmation by the Senate; such board shall have the management of the hospital for which it *is appointed*, under the supervision and control of the general

board of directors hereinafter constituted. The terms of the directors first appointed shall be two, four, and six years, respectively, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years.

SEC. 150. There shall be a general board of directors for the control and management of all the state hospitals for the insane now existing or hereafter established, which shall consist of all the directors appointed members of the several special boards. The general board of directors shall be subject to such regulations and requirements as the General Assembly may from time to time prescribe, and shall have full power and control over the special boards of directors and all of the officers and employees of the said hospitals.

SEC. 151. The general board of directors shall appoint for a term of four years a superintendent for each hospital, who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The special board of each hospital, shall, subject to the approval of the general board, appoint for a term of four years all other resident officers. The superintendent of each hospital shall appoint, and may remove, with the approval of the especial board, all other employees of such hospital.

SEC. 152. There shall be a Commissioner of State Hospitals for the Insane, who shall be appointed by the Governor, subject to confirmation by the Senate, for a term of four years. He shall be *ex-officio* chairman of the general and of each of the special boards of directors, and shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall cause to be established and maintained at all of the hospitals a uniform system of keeping the records and the accounts of money received and disbursed and of making the reports thereof. He shall perform such other duties and shall execute such bond and receive such salary as may be prescribed by law.

ARTICLE XII

CORPORATIONS

SEC. 153. As used in this article, the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean the charter of incorporation by, or under, which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee or person in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term "rate" shall be construed to mean "rate of charge for any service rendered or to be rendered"; the terms "rate," "charge" and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company owning, leasing, or operating for hire, any telegraph or telephone line; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences, of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the *holder* to any service from such company free of charge.

The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

SEC. 154. The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted) shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of charters, now existing and revocable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or mis-user. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

SEC. 155. A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session, and their regular terms of office shall be six years, respectively, except those first appointed under this Constitution, of whom, one shall be appointed to hold office until the first day of February, nineteen hundred and four, one, until the first day of February, nineteen hundred and six, and one, until the first day of February, nineteen hundred and eight. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no per-

son so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourn *sine die* without confirming the same, nor shall he be eligible for re-appointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court. The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof. The General Assembly may establish within the department, and subject to the supervision and control, of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued, by the commission of its own motion; and *shall fix the* salaries of the members, clerks, assistants and

subordinates of the commission and provide for the payment thereof; but the salary of each commissioner shall not be less than four thousand dollars per annum. After the first day of January, nineteen hundred and eight, the General Assembly may provide for the election of the members of the commission by the qualified voters of the State; in which event, vacancies thereafter occurring shall be filled as hereinbefore provided, until the expiration of twenty days after the next general election, held not less than sixty days after the vacancy occurs, at which election the vacancy shall be filled for the residue of the unexpired term.

SEC. 156. (*a*) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form; it shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works, at the time this Constitution goes into effect, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(*b*) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain

all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements the commission may, from time to time, alter or amend. . All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation published in the

city of Richmond, Virginia, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws: provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(*c*) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court,

and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed, or authorized, by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offence: provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(*d*) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in sub-section *e* of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the *corporation* whose rates, charges or classifications of traffic,

schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney-General or his legally appointed representative. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties: provided, however, that the writs of *mandamus* and prohibition shall lie from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(*e*) Upon the granting of an appeal, a writ of *supersedeas* may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall first have been ex-

ecuted and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any *supersedeas*), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission, or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the *habeas corpus,* and Commonwealth's cases already on the docket of the court.

(*f*) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the

facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal: provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(*g*) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or

altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(*h*) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned: provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(*i*) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(*k*) Upon the organization of the State Corporation Commission, the Board of Public Works and the office of Railroad Commissioner, shall cease to exist; and all books, papers and documents pertaining thereto, shall be transferred to, and become a part of the records of, the office of the State Corporation Commission.

(*l*) After the first day of January, nineteen hundred and five, in addition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend sub-sections *a* to *i*, *inclusive*, of this section, or any of them, or any such

amendment thereof: provided, that no amendment made under authority of this sub-section shall contravene the provisions of any part of this Constitution other than the sub-sections last above referred to or any such amendment thereof.

SEC. 157. Provision shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other, tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by, this article; but the General Assembly may relieve from the pay-

ment of the said registration fee any purely charitable institution or institutions.

SEC. 158. Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights, or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

SEC. 159. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 160. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction — the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located *without this* State may make necessary the prescribing of

special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation, rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

SEC. 161. No transportation or transmission company doing business in this State shall grant to any member of the General Assembly, or to any state, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

SEC. 162. The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect), if such acts

or omissions were those of the master himself in the performance of a non-assignable duty: provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person, employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defence to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representatives, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee, or his legal or personal representa*tive, surviving* consort or relatives (or any trustee, curator,

committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

SEC. 163. No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such foreign public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate when this Constitution goes into effect. The property, within this State, of foreign corporations shall always be subject to attachment, the same as that of non-resident individuals; and nothing in this section shall restrict the power of the General Assembly to discriminate against foreign corporations whenever, and in whatsoever respect, it may deem wise or expedient.

SEC. 164. The right of the Commonwealth, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered nor abridged.

SEC. 165. The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

SEC. 166. The exclusive right to build or operate railroads parallel to its own, or any other, line of railroads, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with or cross, with its roadway, any other railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other's passengers, freight, and loaded or empty cars, without delay or discrimination. Nothing in this section shall deprive the General Assembly of the right to prevent by statute, repealable at pleasure, any railroad from being built parallel to the present line of the Richmond, Fredericksburg and Potomac railroad.

SEC. 167. The General Assembly shall enact general laws regulating and controlling all issues of stock and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stock or bonds are to be issued; and where such basis or plan includes services or property (other than money), received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or permitted, by the commission, the services and property, together with the valuation at which the same are received or to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinbefore provided), against any corporation refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines

and penalties as are authorized by this Constitution, or may be prescribed by law.

ARTICLE XIII

TAXATION AND FINANCE

SEC. 168. All property, except as hereinafter provided, shall be taxed; all taxes, whether state, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

SEC. 169. Except as hereinafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added. Nothing in this Constitution shall prevent the General Assembly, after the first day of January, nineteen hundred and thirteen, from segregating for the purposes of taxation, the several kinds or classes of property, so as to specify and determine upon what subjects, state taxes, and upon what subjects, local taxes may be levied.

SEC. 170. The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose state franchise taxes, and in imposing a franchise tax, may, in its discretion, make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed. No city or town shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for making and improving the walkways upon then existing streets, and improving and paving

then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Except in cities and towns, no such taxes or assessments, for local public improvements shall be imposed on abutting land owners.

SEC. 171. The General Assembly shall provide for a reassessment of real estate, in the year nineteen hundred and five, and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide.

SEC. 172. The General Assembly shall provide for the special and separate assessment of all coal and other mineral land; but until such special assessment is made, such land shall be assessed under existing laws.

SEC. 173. The General Assembly shall levy a state capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said state capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine.

SEC. 174. After this Constitution shall be in force, no statute of limitation shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and

collection of taxes for any preceding year or years, unless such property shall have passed to a *bona fide* purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

SEC. 175. The natural oyster beds, rocks, and shoals, in the waters of this State, shall not be leased, rented or sold, but shall be held in trust for the benefit of the people of this State, subject to such regulations and restrictions as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

SEC. 176. The State Corporation Commission shall annually ascertain and assess, at the time hereinafter mentioned, and in the manner required of the Board of Public Works, by the law in force on January the first, nineteen hundred and two, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for state, county, city, town, and district purposes in the same manner as authorized by said law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons: provided, that no tax shall be laid upon the net income of such corporation.

SEC. 177. Each such railway or canal corporation, including also any such as is exempt from taxation as to its works, visible property, or profits, shall also pay an annual state franchise tax equal to one per centum upon the gross receipts hereinafter specified in section One Hundred and Seventy-eight, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section One Hundred and Seventy-six, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such

corporation, the shares of stock issued by it, and upon its property assessed under section One Hundred and Seventy-six: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section One Hundred and Fifty-seven of this Constitution, or from assessments for street and other public local improvements authorized by section One Hundred and Seventy; and provided, further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

SEC. 178. The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of such corporations for the year ending June the thirtieth of each year, to be ascertained by the State Corporation Commission, in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State: provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other states over similar facilities or advantages in this State.

SEC. 179. Each corporation mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven shall annually, on the first day of September, make to the State Corporation Commission the report which the law, in force January the first, nineteen hundred and two, required to be made annually to the Board of Public Works by every railroad and canal company in this State, not exempt from

taxation by virtue of its charter, which report shall also show the property taxable in this State belonging to the corporation on the thirtieth day of June preceding, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by said law, assess the value of the property not exempt from taxation, of the corporation, and ascertain the amount of the franchise tax and other state taxes chargeable against it. All taxes for which the corporation is liable shall be paid on or before the first day of December following. The provisions of said law, except as changed by this article, shall apply to the ascertainment and collection of the franchise, as well as other taxes of such corporations. Said taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

SEC. 180. Any corporation aggrieved by the assessment and ascertainment made under sections One Hundred and Seventy-six and One Hundred and Seventy-eight may, within thirty days after receiving a certified copy thereof, apply for relief to the circuit court of the city of Richmond. Notice of the application, setting forth the grounds of complaint, verified by affidavit, shall be served on the State Corporation Commission, and on the Attorney-General whose duty it shall be to represent the State. The court, if of opinion that the assessment or tax is excessive, shall reduce the same; but, if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallow the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by *mandamus* or other proper process issuing from the court finally adjudicating the application. Subject to the provisions of Article Six of this Constitution, the Su-

preme Court of Appeals may allow a writ of error to either party.

SEC. 181. After January the first, nineteen hundred and three, the system of taxation, as to the corporations mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven, shall be as set forth in sections One Hundred and Seventy-six to One Hundred and Eighty, inclusive; and for that year the franchise tax shall be based upon such gross receipts for the year ending the thirtieth day of June, nineteen hundred and three, and such system shall so remain until the first day of January, nineteen hundred and thirteen, and thereafter until modified or changed, as may be prescribed by law: provided, that, if the said system shall for any reason become inoperative, the General Assembly shall have power to adopt some other system.

SEC. 182. Until otherwise prescribed by law, the shares of stock issued by trust or security companies chartered by this State, and by incorporated banks, shall be taxed in the same manner in which the shares of stock issued by incorporated banks were taxed, by the law in force January the first, nineteen hundred and two; but from the total assessed value of the shares of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder.

SEC. 183. Except as otherwise provided in this Constitution, the following property and no other, shall be exempt from taxation, state and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein lawfully owned and held by churches or religious bodies, and wholly and exclusively used *for religious* worship, or for the residence of the minister

of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such, and so exclusively used, and public burying-grounds and lots therein exclusively used for burial purposes, and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings with the land they actually occupy and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles, in the community in which such school is located; provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or

other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as hereinbefore mentioned in this section.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit, on account of death, sickness, or accident to any of its members or any other person; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city or town, and heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

SEC. 184. No debt shall be contracted by the State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war. No scrip, certificate, or

other evidence of state indebtedness, shall be issued except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 185. Neither the credit of the State, nor of any county, city, or town, shall be, directly or indirectly, under any device or pretence whatsoever, granted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the stock or obligations of any company, association, or corporation, for the purpose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal improvement, except public roads, or engaged in carrying on any such work; nor assume any indebtedness of any county, city, or town, nor lend its credit to the same; but this section shall not prevent a county, city or town from perfecting a subscription to the capital stock of a railroad company authorized by existing charter conditioned upon the affirmative vote of the voters and freeholders of such county, city or town in favor of such subscription: provided, that such vote be had prior to July first, nineteen hundred and three.

SEC. 186. All taxes, licenses, and other revenue of the State, shall be collected by its proper officers and paid into the state treasury. No money shall be paid out of the state treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years after the end of the session of the General Assembly, at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city, or town pay any debt or obligation created by such county, city, or town in aid of said war.

SEC. 187. The General Assembly shall provide and maintain a sinking fund in accordance with the provisions of section Ten of the act, approved February the twentieth, eighteen hundred and ninety-two, entitled, "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and de-

clare Virginia's equitable share of the debt created before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February the fourteenth, eighteen hundred and eighty-two." Every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

SEC. 188. No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the State.

SEC. 189. On all lands and the improvements thereon, and on all tangible personal property, not exempt from taxation by the provisions of this article, the rate of state taxation shall be twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the expenses of the government and the indebtedness of the State and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State: provided, that after the first day of January, nineteen hundred and seven, the tax rate upon said real and personal property, for such purposes shall be prescribed by law. But the General Assembly during such period of four years, in addition to making annually an appropriation for pensions not to exceed the last appropriation made for such purpose prior to September the thirtieth, nineteen hundred and one, may levy annually, a special tax for pensions, on such real and personal property of not exceeding five cents on the hundred dollars of the assessed value thereof.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

Homestead and Other Exemptions

SEC. 190. Every householder or head of a family shall be *entitled, in* addition to the articles now exempt from levy or

distress for rent, to hold exempt from levy, seizure, garnishment, or sale under any execution, order, or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into, other property by the debtor, such last-named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article;

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six;

Fifth. For rent;

Sixth. For the legal or taxable fees of any public officer or officer of a court.

SEC. 191. The said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property, the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

SEC. 192. The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

SEC. 193. Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the

exemption, or any part thereof, to which he was entitled under the former Constitution: provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections One Hundred and Ninety and One Hundred and Ninety-one. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter One Hundred and Seventy-eight of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

SEC. 194. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

HEIRS OF PROPERTY

SEC. 195. The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seised, or possessed, or to which he was entitled, as though they had been born in lawful wedlock.

ARTICLE XV

FUTURE CHANGES IN THE CONSTITUTION

SEC. 196. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates,

and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 197. At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "shall there be a convention to revise the Constitution and amend the same?" shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

CONSTITUTION OF THE UNITED STATES—1787[1]

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1 The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2 No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3 Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.[2] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be

[1] This reprint of the Constitution exactly follows the text of that in the Department of State at Washington, save in the spelling of a few words.

[2] Superseded by the 14th Amendment.

entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1 The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years; and each senator shall have one vote.

2 Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3 No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4 The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5 The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6 The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7 Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1 The times, places, and manner of holding elections for

senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2 The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1 Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2 Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3 Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4 Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. 1 The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2 No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7. 1 All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall

return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3 Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1 The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2 To borrow money on the credit of the United States;

3 To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4 To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6 To provide for the punishment of counterfeiting the securities and current coin of the United States;

7 To establish post offices and post roads;

8 To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9 To constitute tribunals inferior to the Supreme Court;

10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11 To declare war, grant letters of marque and reprisal, and make *rules concerning* captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13 To provide and maintain a navy;

14 To make rules for the government and regulation of the land and naval forces;

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16 To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17 To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States,[1] and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18 To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1 The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.[2]

2 The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3 No bill of attainder or *ex post facto* law shall be passed.

4 No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5 No tax or duty shall be laid on articles exported from any State.

6 No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

[1] The District of Columbia, which comes under these regulations, had not then been erected.

[2] See also Article V.

7 No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8 No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10.[1] 1 No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2 No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3 No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. 1 The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows

2 Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the

[1] See also the 10th Amendment.

United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.[1]

3 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4 No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7 Before he enter on the execution of his office, he shall take the following oath or affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and

[1] Superseded by the 12th Amendment.

will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1 The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3 The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION 2. 1 The judicial power shall extend to all cases, in law and

equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more States; — between a State and citizens of another State;[1] — between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

3 The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1 Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2 The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1 The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2 A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

[1] See the 11th Amendment.

3 No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1 New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1 All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2 This Constitution, and the laws of the United States which shall be *made in* pursuance thereof; and all treaties made, or which shall be made, *under the* authority of the United States, shall be the supreme law of the

land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3 The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.[1]

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go: Washington —
Presidt. and Deputy from Virginia

New Hampshire
John Langdon
Nicholas Gilman

Massachusetts
Nathaniel Gorham
Rufus King

Connecticut
Wm. Saml. Johnson
Roger Sherman

New York
Alexander Hamilton

New Jersey
Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania
B. Franklin
Thomas Mifflin
Robt. Morris
Geo. Clymer
Thos. Fitzsimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware
Geo: Read
Gunning Bedford Jun
John Dickinson
Richard Bassett
Jaco: Broom

[1] After the Constitution had been adopted by the Convention it was ratified by conventions held in each of the states.

Maryland

James McHenry
Dan of St. Thos Jenifer
Danl. Carroll

Virginia

John Blair —
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson.

South Carolina

J. Rutledge,
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler.

Georgia

William Few
Abr Baldwin

Attest WILLIAM JACKSON Secretary.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I[1]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by

[1] The first ten Amendments were adopted in 1791.

oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI[1]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII[2]

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate;—The president of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

[1] Adopted in 1798. [2] Adopted in 1804.

ARTICLE XIII[1]

Section 1. 1 Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2 Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV[2]

1 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2 Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3 No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

4 The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

[1] Adopted in 1865. [2] Adopted in 1868.

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5 The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV[1]

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

[1] Adopted in 1870.

THE DECLARATION OF INDEPENDENCE — 1776

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. — Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world

for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire

Josiah Bartlett,[1]
Wm. Whipple,
Matthew Thornton.

Massachusetts Bay

Saml. Adams,
John Adams,
Robt. Treat Paine,
Elbridge Gerry.

Rhode Island

Step. Hopkins,
William Ellery.

Connecticut

Roger Sherman,
Sam'el Huntington,
Wm. Williams,
Oliver Wolcott.

New York

Wm. Floyd,
Phil. Livingston,
Frans. Lewis,
Lewis Morris.

New Jersey

Richd. Stockton,
Jno. Witherspoon,
Fras. Hopkinson,
John Hart,
Abra. Clark.

Pennsylvania

Robt. Morris,
Benjamin Rush,
Benja. Franklin,
John Morton,
Geo. Clymer,
Jas. Smith,
Geo. Taylor,
James Wilson,
Geo. Ross.

Delaware

Cæsar Rodney,
Geo. Read,
Tho. M'Kean.

Maryland

Samuel Chase,
Wm. Paca,
Thos. Stone,
Charles Carroll of Carrollton.

Virginia

George Wythe,
Richard Henry Lee,
Th Jefferson,
Benja. Harrison,
Thos. Nelson, jr.,
Francis Lightfoot Lee,
Carter Braxton.

North Carolina

Wm. Hooper,
Joseph Hewes,
John Penn.

South Carolina

Edward Rutledge,
Thos. Heyward, Junr.,
Thomas Lynch, Junr.,
Arthur Middleton.

Georgia

Button Gwinnett,
Lyman Hall,
Geo. Walton.

[1] *The signatures to the Declaration of Independence and to the Constitution are printed as signed.*

INDEX

Actions or suits at law, 72
Adjournment, neither house can adjourn without the consent of the other, 37.
Adjutant general, 54.
Administrative officers, of county, 17; of cities and towns, 32, 33; of state, 47–59.
Allegiances, citizens have two, 13.
Almshouses, 120.
Amendments to constitution, 112, 113.
Answer in suit at law, 74.
Anti-Federalists, 100.
Appeals, 63–66.
Apportionment of senators and delegates, 41, 42.
Aristocracy, 11.
Arrest, 63, 75.
Assembly, General, how constituted, 36; members of, 36; sessions of, 37; privileges of members, 38; restrictions upon, 40; organization of, 41; officers of, 41; committees of, 43, n. 1.
Assessment, of taxes, 107; of land, 26.
Assessors of land, 26.
Attainder, bill of, 40; definition of, 40, n. 2.
Attorney general, 53.
Auditor, of public accounts, 51; second, 51, 52.

Bail, 64, 76.
Ballot boxes, furnished by supervisors, 20.
Ballots, official, printed by electoral boards, 94; how prepared and deposited, 95, 96; counting of, 96.
Bill, legislative, how made a law, 44, 45.
Bill of attainder, 40; definition of, 40, n. 2.
Bill of Rights of Virginia, 109, 123–126.
Board, of agriculture, 58; county school, 85; of education, 81; of dental examiners, 57; the district board of school trustees, 85, 86; fisheries, 57; of health, 57; of medical examiners, 57; of pharmacy, 57; school trustee electoral, 84; county and city electoral, 93.

Case at law, 61, 72–75.
Caucus, 102.
Challenging at elections, 96.
Chancery court, 64, n. 1.
Chancery proceedings, 74.
Charter, definition of, 29; fundamental law of town or city, 29.
Chattel mortgage, 25, n. 2.
Circuit court, 64.
City courts, 66.
City, definition of, 30; functions of government of, 30, 31.
City schools, 89.
City superintendent of schools, 89.
Clerk of Senate, 42; of House, 42; of county court, 25.
Coinage of money, 13, 117.
Commerce, regulations of, 13.
Commissioners of sinking fund, 56.
Committees, legislative, 43, n. 1; of political parties, 101.
Common law, definition of, 72, n. 1.
Commonwealth's attorney, 24, 30.
Congress, each state represented in, 115; powers of, 117.
Conscience, liberty of, 10, 110.
Constable, 23.
Constitution, definition of, 12.
Constitution of Virginia, revisions of, 109; outline of, 109–114; text of, 123–199.
Constitution of the United States, interpretation of, 100; text of, 201–216.

Contract, definition of, 24, n. 1; obligations of, not to be impaired, 40.
Convention, constitutional, 113.
Coroner, 21, 22.
Corporation, definition of, 16, n. 2.
Council, 31, 32.
Counterfeit coins, warrants to search for, 22.
Counting votes, 96, 97.
County, origin of, 15; formation of new, 16; importance of, 16; functions of government of, 17; officers of, 17, 18.
County clerk, 25.
County seat, the, 17.
Court procedure, 72–75.
Court, the justice's, 62–64; the circuit, 64, 65; the supreme of appeals, 65, 66.
Crimes, 60, 61, 75–78.

Declaration of Independence, 217–220.
Declaration in suit at law, 73.
Decree, definition of, 23, n. 3.
Deed, definition of, 25, n. 1.
Defendant, 61.
Democracy, 11.
Departments of government, 12.
District, magisterial, 16; officers of, 18.
Duties, 10; reciprocal of the state and the nation, 117.

Education, history of popular, 80, 81; public, 81–89.
Election, returns, 97, 98; supplies, 94.
Elections, when held, 92; system of, 92; how conducted, 95–97; national, 116.
Electors, presidential, 116.
Examination of teachers, 87.
Execution in suit at law, 23, n. 2.
Executive officers, of county, 19–27; of towns and cities, 32–34; of state, 47–58.
Executive power, 47.
Ex post facto law, definition of, 40, n. 3; not to be passed, 40.

Family, government originates in, 10.
Federalists, 100.
Felony, 61; proceedings in cases of, 76, 77.
Fertilizers, inspection of, 53, 54.
Fiduciary, definition of, 25, n. 4.
Fines, 63, n. 1; 105.
Fisheries, board of, 57.
Formation of new counties, 16.
Formation of towns and cities, 29.
Free passes prohibited, 58.
Freedom of press, 110.
Freedom of speech, guaranteed by the constitution, 110.
Functions of government, of county, 17; of town and city, 30, 31; of state, 39, 40.

General Assembly, 36–45.
General powers of Congress, 13, 117.
Geologist, 54.
Government, origin of, 10, 11; forms of, 11; three departments of, 12; constitutional, 109.
Governor, duties of, 47, 48; qualifications of, 49, 50.
Grand jury, 69, 70.

Habeas corpus, definition of, 40, n. 1; 78.
Hampton Normal and Agricultural Institute, 120.
House of Delegates, 36; meaning conveyed by, 39; qualifications of members of, 37; officers of, 42; committees of, 43, n. 1.
House of Representatives, national, 115, 116.
How a law is made, 44, 45.
Humane institutions, 120.

Idiots, not allowed to vote, 129.
Impeachment, 41.
Indictment, 77.
Insane asylums, 120.
Institution for the Deaf and Blind, 119.
Insurrection, suppression of, 48.
Internal improvements, 19.

Jails, 120.
Journals of houses of legislature, 42.
Judge of circuit court, 64; of supreme court of appeals, 65, 66.
Judgment, definition of, 25, n. 6.
Judicial circuits, 121, 122.
Judicial department, 60–67.

Judicial power, necessity of, 60; how vested, 60.
Jurisdiction, definition of, 61, 62; of justice's court, 62, 63; of circuit court, 64, 65; of supreme court of appeals, 65, 66.
Jury, grand, 69; petit, 69; how obtained, 69–72.
Justice, administration of, 72–78.
Justice of the peace, 22, 23; court of, 62–64.

Kinds of government, 11.
Kinds of taxes, 104, 105.

Laurel Industrial School, 120.
Lawmaking power, 36.
Laws, defined, 12; classified, 12; the making of a, 44, 45.
Laws of the state, their character and scope, 37, 38.
Legislature, 39, 40.
Liberty, 110.
License tax, 105.
Lieutenant governor, 50.
Literary Fund, 80, n. 1.
Local government, the county the unit of, 16.

Magisterial district, 16; officers of, 17, 18.
Majority of each house, 37.
Man a social being, 9.
Mayor, 32, 33.
Measures and weights, sealer of, 26.
Meridian, true, 20.
Message of governor, 48.
Militia, 54.
Miller Manual Labor School of Albemarle, 119, 120.
Misdemeanor, 61, 76.
Mode of amending the constitution, 112, 113.
Monarchy, 11.
Money, power of Congress in regard to coining, 13, 117.
Mortgage, definition of, 25, n. 2.

Nation, definition of, 12.
National conventions, 102, 103.
Nation and state, relations of, 115–117.
Nature of the Federal government, 13.
Necessity for government, 11.
Nomination of candidates, 102.
Normal schools, 87.
Norman conquest, 15.
Notary public, 26.

Oath of office, 18.
Objects of government, how best attained, 12.
Officers, of county, 17–27; of city and town, 32, 33; of state, 45–58.
Ordinance of city or town, 32.
Overseers of the poor, 21.

Pardons, granted by governor, 48.
Parties, political, origin of, in the United States, 100; in what countries found, 100; a benefit, 100; organization of, 101.
Party platforms, 103.
Patents, 13, 117.
Penal institutions, 120.
Penitentiary, the, 120.
Personal property, 105.
Personal rights, 110.
Petit jury, 69, 70.
Plaintiff, 61.
Polls, 95.
Poll tax, 104, 105.
Poor, support of, 21.
Poor children, provision for education of, 81.
Poorhouse, 120.
Power, the lawmaking, 36–45; the executive, 47–58; the judicial, 60–67.
Precinct, 93.
President, method of electing, 116.
Primary meetings and elections, 101, 102.
Prison association, 58.
Privilege tax, 105.
Probate of wills, 65.
Probate judge, 25.
Property tax, 105.
Prosecuting attorney, 24, 25.
Public school system, 80, 89.
Pupils of public schools, 87.

Qualifications, of voters, 91, 92; of members of General Assembly, 37; of governor and lieutenant governor, 49, 50.
Quorum, majority of each house constitutes, 37.

Record of deeds, 25.
Registrar of voters, 94.
Religious freedom, 110.
Representatives, national, 115, 116; number of, 116
Republic, 11.
Restrictions upon the states, 13, 117.
Results of elections, 97, 98.
Revenue, why needed by the state, 104.
Right of suffrage, 91; qualifications required for exercise of, 91.
Rights, 9, 10; different kinds of, 10.
Rules, each house of the legislature to determine its own, 41.
Ruling of a judge or of a court, 25, n. 5.

School district, 81.
School divisions, 81.
School funds, 87, 88.
Schools, normal, 87.
Schools, public, 80–89.
Search warrant, 22.
Seat of government, 38.
Second auditor, 51, 52.
Secretary of the commonwealth, 50, 51.
Senate, state, 36; qualifications of members of, 37.
Sergeant-at-arms, 42.
Session of legislature, limit of length of, 37.
Sheriff, 23, 24.
Sinking fund, commissioners of, 56.
Society, how constituted, 9.
Speaker of the House of Delegates, 42.
Speech, freedom of, 110.
State, defined, 12.
State and nation, relations of, 115–117.
State Corporation Commission, 54.
State Female Normal School, 119.
State officers, 45–58.
State tax, 106.
Statute law, 39, 40.
Subpœna, definition of, 74, n. 1.
Suffrage, the right of, 83.
Suit, proceedings in civil, 72–75; in *criminal*, 75–78.
Superintendent of public instruction, 83.
Supervisors, 19; board of, 20.
Supremacy of the nation, established by the Civil War, 115.
Supreme court of appeals, 65, 66.
Surveyor, 20, 21.

Taxes, definition of, 104; reasons for, 104; objects for which assessed, 106, 107; restricted by constitution, 107.
Tax on privileges, 105.
Teachers, public school, 87.
Text-books for schools, 82; supplied to poor children, 86.
Tobacco samplers, 56.
Town, definition of, 30; functions of government of, 30, 31.
Treasurer, county, 20; city, 33; state, 52.
Trial, in civil cases, 73, 74; in criminal cases, 77.
Trial juries, 70, 71.

United States, 13.
Unit rule, 102.
University of Virginia, the founding of, 80, n. 1; government of, 119.

Vacancies, 18, 19.
Veto, governor's, 49.
Village, 30.
Virginia, two allegiances of her citizens, 13; the first constitutional government in America, 109; outline of the government of, 109–113; constitution of, 123–199.
Virginia Military Institute, 119.
Virginia Normal and Industrial Institute, 120.
Virginia Polytechnic Institute, 119.
Volunteers, 54.
Voters, qualifications of, 91, 92.
Voting, places of, 95; method of, 95, 96; results of, 97, 98.

Warrant, definitions of, 19, n. 2; 22, n. 1.
Weights and measures, sealer of, 26.
Will, definition of, 25, n. 3.
William and Mary College, 119.
Workhouses, 31.
Writ, definition of, 23, n. 1.